

of Burlington, Pa., asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Post No. 2, Grand Army of the Republic, of Philadelphia; Post No. 12, of Roxborough; Post No. 45, of Phoenixville; and Post No. 6, of Germantown, Pa., for the passage of Senate bill 2056—to the same committee.

By Mr. CLARDY: Petition of Difani Post, No. 273, Grand Army of the Republic, of Perryville, Mo., for the passage of Senate bill 1886 for the relief of disabled soldiers and sailors—to the same committee.

By Mr. COLLINS: Resolutions of the Legislature of the Commonwealth of Massachusetts, asking for prompt and decided action for the protection of American fishermen in the exercise of their lawful rights—to the Committee on Commerce.

By Mr. COX: Petition of Harvey Durham, and of N. G. Gulley, of Johnson County; of John B. Sugg, of Maria R. Royster, of Drury Partin, and of Joseph D. Hayes, of Wake County; and of John J. Fearington, of Chatham County, North Carolina, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to claim of Joseph D. Hayes, of Wake County; of Maria P. Royster, of Wake County; of John J. Fearington, of Chatham County; and of Harvey Durham and John G. Gulley, of Johnson County, North Carolina—to the same committee.

By Mr. CUTCHEON: Resolution of Samuel Judd Post, No. 133, Department of Michigan, Grand Army of the Republic, in favor of the Senate bill 1886, to pension disabled and dependent soldiers—to the Committee on Invalid Pensions.

Also, memorial of citizens and business men of Muskegon, Mich., for the erection of a suitable public building at Muskegon as proposed by House bill 4545—to the Committee on Public Buildings and Grounds.

Also, memorial of S. Walter Reynolds, John W. Barney, and Thomas Griffith, hospital stewards, United States Army, asking for increase of compensation—to the Committee on Military Affairs.

By Mr. DOUGHERTY: Papers relating to the claim of William A. D. Roberts, of Clay County, and of Andrew J. Pellicen and of John A. Pellicen, of Saint John's County, Florida—to the Committee on War Claims.

By Mr. DUNN: Papers relating to the claims of Samuel J. Sutton, of Phillips County; of John R. Sembler, of Saint Francis County; of James Dougherty, of Saint Francis County, and of Lizzie E. Neely, Mary E. Neely, and Esther A. B. Neely, of Independence County, Arkansas—to the same committee.

By Mr. ERMENTROUT: Petition of Robert T. Matthias, hospital steward, for the passage of Senate bill 1119—to the Committee on Military Affairs.

By Mr. GROUT: Petition of C. E. Spaulding and 31 others, citizens of Warren, Vt., asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. HOWARD: Two petitions of ex-soldiers and citizens of Crawford County, Indiana, praying for the passage of pension laws recommended by the Grand Army of the Republic—to the same committee.

By Mr. MCCOMAS: Petition of B. P. Reutch, for payment of war claims—to the Committee on War Claims.

By Mr. MATSON: Petition of Isaac D. Ward, for relief—to the Committee on Claims.

By Mr. MILLARD: Papers relating to the claim of Jane Hopkins, of Iberia Parish, Louisiana—to the Committee on War Claims.

By Mr. NORWOOD: Papers relating to the claims of Rebecca D. Fulton, of Henry Fields, of Ann Susan Carrier, of Thomas J. Walsh, of Richard Butler, of William Rutherford, of Abraham Sheftall, of Dr. Solomon Sheftall, of Christian Ubele, of George Von Waldner, of Chatham County; of Simeon L. Morton, of Scriven County; of Thomas W. Quarterman, of Liberty County; and of Sabina Morton, executrix of Silas Morton, of Chatham County, Georgia—to the same committee.

By Mr. PEEL: Papers relating to the claims of George W. Mitchell and of John Miser, of Benton County; and of David Mayberry, jr., of Washington County, Arkansas—to the same committee.

By Mr. PINDAR: Petition of 89 soldiers of Herkimer County, New York, praying for the passage of soldiers' relief bill—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Vessel-Owners and Captains' Association of Philadelphia, to extend the usefulness of the Signal Service along the Atlantic seaboard—to the Committee on Appropriations.

By Mr. ROBERTSON: Petition of Professor W. B. Gwyn and others, of Bullitt County, Kentucky, for an appropriation for the improvement of Salt River—to the Committee on Rivers and Harbors.

By Mr. ROGERS: Memorial to support Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of Catherine M. Moreley, of Robertson County, Texas, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ST. MARTIN: Petition and documents to accompany House bill 9189, for the relief of the Citizens' Bank of Louisiana—to the Committee on Private Land Claims.

By Mr. J. M. TAYLOR: Papers relating to the claims of Pieta Priddy, of Shelby County; of Peyton S. and John F. Warner, of Gib-

son County; and of George M. Robinson, of Madison County, Tennessee—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of Lizzie E. Pullen, of Jacob E. Hodges, of George Smith, of John C. Harris, and of A. H. Hurt (now Lilly), of Hamblen County; of William Line, of Andrew Caldwell, of John Turner, of Samuel C. Odell, of Robert Caldwell, of John H. Caldwell, of John Turner, guardian, and of A. A. Caldwell, of Jefferson County; of William A. Bryan, of Fayette County; and of B. J. Kimbrough, heir of James Kimbrough, of Shelby County, Tennessee, asking that their war claims be referred to the Court of Claims—to the same committee.

By Mr. VAN EATON: Papers relating to claim of Leflore County, and of Charles F. Felder, of Amite County, Mississippi—to the same committee.

By Mr. WAKEFIELD: Petition of Bart W. Day and 123 others, citizens of Jackson, Minn., praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Martha A. Peacock, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Petition of Henry Bowers, John R. Kennedy, and 300 others, citizens of Tuscarawas County, Ohio, praying for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

## SENATE.

THURSDAY, June 17, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, submitting, in reply to a resolution of April 5, 1886, a report in regard to the distribution of public documents by the Department of the Interior; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of June 14, 1886, a statement in regard to the transportation of United States mails over inland water routes.

The PRESIDENT *pro tempore*. If there be no objection the communication will be referred to the Committee on Post-Offices and Post-Roads, and printed.

Mr. FRYE. Was not that called for by a resolution offered by the Senator from Kansas [Mr. PLUMB]?

The PRESIDENT *pro tempore*. It was.

Mr. FRYE. Then my impression is that he wants it for use on the Post-Office appropriation bill which is now pending between the two Houses, and I suggest that it be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

### PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Cincinnati (Ohio) Chamber of Commerce, remonstrating against the proposed construction of a bridge across the Mississippi River at Saint Louis, Mo.; which was referred to the Committee on Commerce.

He also presented a memorial of the Cincinnati (Ohio) Chamber of Commerce, remonstrating against the proposed construction of a bridge across the Little Kanawha River at its junction with the Ohio River; which was referred to the Committee on Commerce.

He also presented a petition of Memorial Post, No. 141, Grand Army of the Republic, Department of Ohio, praying for favorable action on the recommendations of the committee on pensions of the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. CULLOM presented the petition of John D. Pope, vice-president of the Saint Louis Canal Company, praying that should the desert-land act be repealed lands lying within the scope of works already under construction be exempted from the operation of the proposed repeal of the existing law; which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the Produce Exchange of Chicago, Ill., representing the produce and dairy interests of Illinois, and attested by George W. Linn, president, and R. M. Littler, secretary, favoring the passage of the House oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petition of Ellis Mendell and others, citizens of Mattapoisett, Plymouth County, Massachusetts, praying for the passage of the bill respecting oleomargarine as reported by the House Committee on Agriculture; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present the memorial of Thomas Dana & Co. and a large number of other merchants of Boston, Mass., remonstrating against

the passage of the bill defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine. I move the reference of the memorial to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAWES. I present the petition of a large number of citizens of Mississippi, praying for the passage of the bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883. As the bill is before the Senate now, I move that the petition lie on the table.

The motion was agreed to.

Mr. SPOONER presented a petition of the American Agricultural and Dairy Association and 164 dairy farmers of Wisconsin, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. WILSON, of Iowa, presented a petition of the American Agricultural and Dairy Association and 821 dairy farmers of Iowa and 240 cattle-men of Dakota, praying for the passage of the bill regulating the sale of and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented petitions of 114 dairy farmers of Colorado and California, praying for the passage of the bill regulating the sale of and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. SAWYER presented resolutions adopted by the Green County (Wisconsin) Pomona Grange, Patrons of Husbandry, in favor of the passage of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SAULSBURY presented the petition of Capt. Douglass Ottinger, of the United States Revenue Marine, praying that the joint resolution (H. Res. 125) awarding to Joseph Francis the thanks of Congress and a gold medal for the construction and perfection of life-saving appliances, be recommitted to the Committee on Commerce of the Senate for the purpose of hearing further evidence in regard to that matter; which was ordered to lie on the table.

Mr. CONGER presented nine petitions of 548 dairy farmers of Michigan, praying for the passage of the bill regulating and taxing imitation butter; which were referred to the Committee on Agriculture and Forestry.

Mr. DOLPH presented the petition of 109 dairy farmers of Oregon, praying for the passage of the bill regulating and taxing imitation butter; which was referred to the Committee on Agriculture and Forestry.

#### REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

- A bill (S. 2431) granting a pension to Henry Shoulders;
- A bill (S. 2519) granting an increase of pension to Richard B. Rians;
- A bill (H. R. 4374) to increase the pension of Samuel Frost;
- A bill (H. R. 944) for the relief of Mary Jane Conrad; and
- A bill (H. R. 6057) granting a pension to Patrick Murphy.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2554) to amend section 2133 of the Revised Statutes of the United States, moved its indefinite postponement, which was agreed to; and he reported a bill (S. 2676) to repeal chapter 360 of the statutes of 1882, entitled, "An act to amend section 2133 of the Revised Statutes in relation to Indian traders;" which was read twice by its title.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 758) granting a pension to Alexander Harper, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 1801) for the reappraisal and sale of a certain tract of land of the reservation of the Sac and Fox Indians of the Missouri tribe, in the State of Nebraska, to report it without amendment. I do not accompany the bill with any written report. I desire to state that Senate Executive Document No. 83 of this session contains a communication from the Department of the Interior showing the reasons for the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. RANSOM. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado, to report it with an amendment in the nature of a substitute, striking out everything after the enacting clause and proposing the substance or actually the bill of the Senate No. 11, which has been reported favorably to this body by the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 1205) to provide for the construction of a bridge across the west channel of the Detroit River to connect Belle Isle Park with the mainland, reported it without amendment.

#### BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 2677) to regulate the jurisdiction of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAWES (by request) introduced a bill (S. 2678) to amend sections 2529 and 2728 of the Revised Statutes of the United States, in relation to the appointment of appraisers in the Boston custom-house; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 2679) granting a pension to Hugh N. Shanks; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2680) granting a pension to Elizabeth M. Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2681) increasing the pension of George W. Harris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2682) granting a pension to Thomas W. Egan; which was read twice by its title.

Mr. VAN WYCK. I desire to say in this connection that while I introduce the bill most cheerfully, it was drawn by the friends of General Egan, and proposes to have the pension date back to 1864, a matter which I presume will not be agreed to by the Senate or by the Congress of the United States. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. INGALLS introduced a bill (S. 2683) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HEARST introduced a bill (S. 2684) granting a pension to Kate C. McDougal; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO BILLS.

Mr. SAWYER submitted two amendments intended to be proposed by him to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. ALDRICH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### ACCOUNTS OF POSTMASTERS.

Mr. SAWYER. I submit the following resolution, and ask for its present consideration:

*Resolved*, That the Postmaster-General be requested to inform the Senate of the amount of additional compensation allowed postmasters and late postmasters in the State of Wisconsin under the act of March 3, 1883, for the payment of which no provision has been made.

Mr. INGALLS. It is not the custom of this body to request information from subordinate officers. I suggest that the customary word "directed" be inserted in the resolution.

I would add in connection with this subject that I offered a resolution similar in purpose the other day, calling for information as to the amount due postmasters in the State of Kansas on the readjustment of salaries. That was amended at the suggestion of the Senator from Michigan [Mr. CONGER] so as to include the information in regard to all States in the Union. A report was sent back from the Postmaster-General to the effect that it would require a very large force of clerks fourteen months to furnish the information, and thereupon the matter lay upon the table, where it now reposes.

I will add that I have reason to believe that the response of the Postmaster-General was not correct. That is the mildest term I will employ in my criticism. I am informed that the adjustment has been made in every case, and that it appears in dollars and cents upon the jacket in each instance. So all that would be required would be a simple transcription of the indorsements upon the jackets in those cases in order to give us the information desired.

The Post-Office Department is determined that those amounts shall not be paid, if any obstacle that it can interpose will prevent it. There have been too many concurrent expressions on that subject to leave any doubt in my mind on that point.

Inasmuch as the Senate has once called on the Post-Office Department for this information respecting the postmasters in every State in the Union, and the reply has been that there is an impossibility to furnish it, I suggest to the Senator from Wisconsin that the adoption of such a resolution the second time would put the Senate in a very disagreeable and unfortunate attitude.

Mr. SAWYER. I was not aware of the previous resolution. If there is no objection I will withdraw the resolution I have offered.

The PRESIDENT *pro tempore*. The resolution is withdrawn.

#### DEPARTMENTAL CLERKS—CIVIL SERVICE.

Mr. INGALLS submitted the following resolution; which was read: *Resolved*, That the President be requested, if in his opinion not incompatible with the public interest, to furnish to the Senate the following information: First. The number of clerks now embraced within the provisions of the civil-

service act of January 16, A. D. 1883, who were removed from office in the several Executive Departments, and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from July 16, A. D. 1883, to March 4, A. D. 1885, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Second. The number of clerks embraced within the provisions of the civil-service act of January 16, 1883, who were removed from office in the several Executive Departments and the number of such clerks who were appointed to office in the several Executive Departments under the civil-service rules from March 4, A. D. 1885, to June 15, A. D. 1886, not including in such removals and appointments clerks excepted from examination by Rule XIX of the amended civil-service rules.

Third. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from July 16, A. D. 1883, to March 4, A. D. 1885, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

Fourth. The number and names of chiefs of division and chief clerks who were removed from office in the several Executive Departments from March 4, A. D. 1885, to June 15, 1886, and the number and names of such chiefs of division and chief clerks who were appointed to office during the same period, and the number of such appointments which were made by promotion.

Mr. COCKRELL. I shall want to offer an amendment to the resolution, and I have not time to prepare it now. Let it be printed and lie over until to-morrow morning.

Mr. INGALLS. It will go over under the rule.

Mr. COCKRELL. There is no objection to the passage of it except that I want to make it a little more comprehensive.

The PRESIDENT *pro tempore*. The resolution will go over.

#### SOLDIERS' CLAIMS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be directed to certify to the Senate the claims of the volunteer soldiers adjusted by the accounting officers of the Treasury since the last deficiency report of the Treasury.

#### CONSIDERATION OF THE CALENDAR.

The PRESIDENT *pro tempore*. The morning business is closed, and the Calendar is now in order under a rule adopted by the Senate which will be read; and the Chair will strictly enforce it if the Senate will sustain him in doing so.

The Chief Clerk read as follows:

*Ordered*, That Thursday, June 17, be devoted to the Calendar under the five-minutes' limitation for debate and subject to objection, which objection shall operate only to pass over the case, retaining its place on the Calendar; and that no motion shall be made to proceed to the consideration of any bill where objection is made to the consideration of the same; and that Friday shall be devoted to the Calendar under the eighth rule.

The PRESIDENT *pro tempore*. The Calendar will be proceeded with at the point where its consideration was left off when the Calendar was last considered.

#### WILLIAM TALBERT.

The bill (S. 1554) for the relief of William Talbert was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The Committee on Claims reported an amendment, after the word "patent," in line 9, to strike out "on principles of equity and justice;" so as to make the bill read:

*Be it enacted, &c.*, That the claim of William Talbert, of Washington City, D. C., for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, which said court is authorized and directed to take jurisdiction thereof, and to award judgment thereon, according to its value to the Government during the existence of said patent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SIMON J. FOUGHT.

The bill (H. R. 1902) granting an increase of pension to Simon J. Fought was considered as in Committee of the Whole. It proposes to increase the pension of Simon J. Fought, formerly a corporal of Company D, Forty-sixth Regiment Ohio Volunteers, to \$30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HEIRS OF ERSKINE S. ALLIN.

The bill (S. 1359) for the relief of the heirs of Erskine S. Allin was announced as next in order on the Calendar, and was read.

Mr. CULLOM. The bill seems to appropriate a large amount of money. I should like to have some explanation of it.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Patents with an amendment reducing the amount from \$100,000 to \$30,000.

Mr. COCKRELL. I think the bill had better be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. COCKRELL. Let it retain its place on the Calendar.

The PRESIDENT *pro tempore*. It will not lose its place under the order applicable to this day.

#### JOHN WILLIAMS.

The bill (S. 2262) for the relief of John Williams was announced as next in order on the Calendar.

Mr. DOLPH. I object to that bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

#### STATE WAR CLAIMS.

The bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was announced as next in order.

Mr. GORMAN. Let the bill go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

#### EFFICIENCY OF THE ARMY.

The bill (S. 2199) to increase the efficiency of the Army of the United States was announced as the next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill is objected to, and goes over.

Mr. CULLOM. That bill was reported by my colleague [Mr. LOGAN]. I do not see him present, and I ask that it be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill goes over under objection already made.

Mr. CULLOM. I did not hear the objection stated.

#### J. M. HIATT.

The bill (S. 1492) for the relief of Hiatt & Co. was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 10, after the word "cents," to insert "or so much thereof as may be found actually due the claimant after an investigation of the facts by the Secretary of the Interior;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to J. M. Hiatt, only surviving partner of Hiatt & Co., late traders for the Osage tribe of Indians, out of any money in the Treasury accruing to the Osage tribe of Indians by act of Congress approved June 16, 1880, the sum of \$16,759.99, or so much thereof as may be found actually due the claimant after an investigation of the facts by the Secretary of the Interior, which sum shall be in full satisfaction of the claim of said Hiatt & Co. against the Osage tribe of Indians for goods sold them on an extended credit.

The amendment was agreed to.

Mr. CULLOM. I observe that the bill proposes that the payment shall be made by the Secretary of the Interior. I think it should be made by the Secretary of the Treasury.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. CULLOM. I do not object to its consideration; I simply call attention to the fact.

Mr. COCKRELL. In line 3, I move to strike out the word "Interior" and insert "Treasury;" so as to read:

That the Secretary of the Treasury be, &c.

It is a mere clerical oversight, evidently.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of J. M. Hiatt, only surviving partner of Hiatt & Co."

#### E. C. CHIROUSE.

The bill (S. 1375) for the relief of E. C. Chirouse, late United States Indian agent, was considered as in Committee of the Whole. It directs the accounting officers of the Treasury, in the settlement of the accounts of E. C. Chirouse, late United States Indian agent at Tulalip, Wash., to adjust and settle the same upon the principles of equity and justice, and to award him credit for disbursements that appear to have been honestly made in good faith and have inured to the benefit of the Indians or the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN F. MALO.

The bill (S. 1376) for the relief of John F. Malo was considered as in Committee of the Whole. It directs the Secretary of the Interior to pay, out of the unexpended balance of appropriations for schools for 1885 or prior years, to John F. Malo, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883, \$1,000.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. MAXEY, from the Committee on Indian Affairs, April 29, 1886:

The Committee on Indian Affairs, to which was referred the bill (S. 1376) for the relief of John F. Malo, respectfully submits the following report.

In response to a communication from the chairman, the acting Secretary of the Interior writes as follows:

DEPARTMENT OF THE INTERIOR, Washington, March 19, 1886.

SIR: I have the honor to acknowledge the receipt of your note of 6th instant, referring, with request for examination and report, Senate bill No. 1376, "for the relief of John F. Malo," which contemplates the payment, out of the unexpended balance of appropriations for Indian schools for 1885, or prior years, to Rev. John F. Malo \$1,000, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883.

The subject having been referred to the Commissioner of Indian Affairs, I transmit in reply a copy of his letter of 18th instant, with accompanying papers noted therein.

The late Commissioner of Indian Affairs urged an appropriation for the payment of this claim, in which Mr. Secretary Teller concurred.

The Commissioner of Indian Affairs expresses the opinion that the claim is a just one, and recommends the passage of the bill, in which recommendation this Department concurs.

Very respectfully,

H. L. MULDROW, Acting Secretary.

The CHAIRMAN Committee on Indian Affairs,  
United States Senate.

This communication was accompanied by the following:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, March 18, 1886.

SIR: By your reference of the 8th instant, I am in receipt of a letter from Hon. H. L. DAWES, chairman of the Committee on Indian Affairs, United States Senate, requesting a report on Senate bill (S. 1376) for relief of John F. Malo, for services rendered and expenditures incurred by him in maintaining an Indian boys and girls' school among the Turtle Mountain Chippewas of Dakota, from September 20, 1882, to December 1, 1883, amounting to \$1,000.

In reply I have the honor to state that the claim in favor of J. F. Malo was allowed by this office on December 27, 1883, under authority of the Department of December 22, 1883, and for your information and that of the Senate committee I inclose herewith copies of the voucher and authority upon which the settlement was made, and also Ex. Doc. No. 240, House of Representatives, Forty-eighth Congress, second session, containing letter from this office dated June 10, 1884, giving history of the claim and reasons why it was not allowed by the accounting officer. I think the claim a just one and recommend its passage.

Very respectfully,

J. D. C. ATKINS, Commissioner.

The SECRETARY OF THE INTERIOR.

The United States, to Rev. John F. Malo, Dr.

For conducting a day school among the Turtle Mountain Chippewa Indians, in Dakota, from September 20, 1882, to December 1, 1883, say fourteen months, with an average attendance of thirty-five boys and thirty-five girls..... \$1,000

WASHINGTON, D. C., December 21, 1883.

I, John F. Malo, of Turtle Mountain, Dakota, do swear that I have conducted the school referred to in the above account during the period therein mentioned; that the average attendance therein named is correct; that the charge for conducting the school is, I believe, reasonable and just, and that no part of said account has ever been paid by said Indians or by the United States.

JOHN F. MALO, M. P.

Subscribed and sworn to before me this 21st day of December, A. D. 1883.

[SEAL.]

CHARLES S. DRURY,  
Notary Public for District of Columbia.

THE BUREAU OF CATHOLIC INDIAN MISSIONS,  
Washington, D. C., December 21, 1883.

We certify that the records of this bureau show that the school named in the above account was conducted by said Rev. J. F. Malo, at his own expense, during the time therein named, and that the average attendance named is correct; and that, in our opinion, the charge made is reasonable and just.

I. B. A. BROUILLET, Director.  
CHAS. S. LUSK, Secretary.

Official copy.

Settled December 27, 1883.

Chief Finance Division.

DEPARTMENT OF THE INTERIOR, Washington, December 22, 1883.

SIR: In compliance with the recommendation contained in your communication of 21st instant, authority is hereby granted for the settlement of account in favor of Rev. John F. Malo, in the sum of \$1,000, for conducting a day school on the Turtle Mountain Chippewa reservation in Dakota from September 20, 1882, to December 1, 1883, payable from funds applicable thereto.

The account is herewith returned.

Very respectfully,

H. M. TELLER, Secretary.

Official copy.

Chief of Finance Division.

The COMMISSIONER OF INDIAN AFFAIRS.

The committee is fully satisfied that the claim set forth in the bill is just and reasonable, wherefore the committee recommends that said bill do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHEROKEE FUNDS.

The bill (S. 1800) to secure to the Cherokee freedmen and others their proportion of certain proceeds of lands under the act of March 3, 1883, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair is advised that there is a long amendment proposed by the Senator from Alabama [Mr. MORGAN], who is not present.

Mr. DAWES. The Senator from Alabama left his amendment in my charge.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move that amendment?

Mr. DAWES. No; but the original bill I should like to amend. In line 7, after the word "against," I move to insert the words "any money now or hereafter due;" and after the words "Cherokee Nation,"

in the same line, to insert the words "and deducted therefrom," and to strike out the succeeding lines, 8, 9, and 10, in the following words:

On account of its lands west of the Arkansas River, and shall be a lien on said lands, and which shall be deducted from any payment hereafter made on account of said lands.

So as to read:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$75,000, or so much thereof as may be necessary, to carry out the provisions of this act; and the amount actually expended shall be charged against any money now or hereafter due the Cherokee Nation and deducted therefrom.

The object of the amendment is not to charge it specially on the land. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### INDIAN TRAINING-SCHOOL IN OREGON.

The bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of the Indian training-school, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to purchase for the use of the Indian training-school near Salem, Oreg., a tract of land, containing 84.92 acres, adjoining the farm of the training-school, at a sum not exceeding \$1,500, payment to be made in labor, to be performed by the Indian pupils attending the school.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BRIDGE OVER WILLAMETTE RIVER.

The bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon, was considered next in order on the Calendar.

Mr. MITCHELL, of Oregon. My colleague [Mr. DOLPH] has charge of the bill, but the Senator from Vermont [Mr. EDMUNDS] some days ago indicated to me that he wished to suggest an amendment to it. Therefore I ask that the bill be laid over until to-morrow.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. MITCHELL, of Oregon, subsequently said: The Senator from Vermont [Mr. EDMUNDS] is not in his committee-room, and he was aware that this order was coming up to-day, and I understand he does not now desire to suggest any amendment. I will say in addition that this bill was carefully considered by the Committee on Commerce and reported unanimously by that committee, and I ask the Senate to go back to it.

The PRESIDENT *pro tempore*. If there be no objection the consideration of the bill (S. 2115) granting to the Oregonian Railway Bridge Company of Oregon the right to construct a bridge over the Willamette River in the vicinity of Ray's Landing, Oregon, will be resumed as in Committee of the Whole. The amendment reported by the Committee on Commerce will be stated.

The CHIEF CLERK. The committee propose to amend by striking out section 5 of the bill, as follows:

SEC. 5. That such alterations or changes as may be required by the Secretary of War or Congress in bridges constructed under the provisions of this act shall be made by the persons or corporations owning or controlling said bridges, at their own expense; and said Oregonian Railway Bridge Company is hereby authorized to borrow money to be used in the construction of such bridge, not exceeding the sum of ——— thousand dollars, and for such purpose to issue bonds running ——— years and bearing 7 per cent. per annum interest, payable semi-annually, and, for the purpose of securing payment of the principal and interest thereof, to execute a mortgage on all the rights, privileges, and franchises of such company, including the said bridge; and it is hereby expressly provided that Congress reserves the right at any time to alter, amend, or repeal this act.

And in lieu thereof inserting:

SEC. 5. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said river is hereby expressly reserved; and all changes or alterations so required shall be made at the expense of the parties owning or controlling said bridge.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ATLANTIC AND PACIFIC SHIP-RAILWAY.

The bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, was announced as next in order on the Calendar.

Mr. INGALLS. That bill can hardly be considered this morning.

The PRESIDENT *pro tempore*. The bill will go over.

ESTHER A. KEYSER.

The bill (S. 2291) for the relief of Esther A. Keyser was announced as next in order.

Mr. INGALLS. Since that bill was reported from the Committee on the District of Columbia information has reached me that there are

parties interested who have not been heard. My memory just reminds me of that fact. I ask that the bill may be passed over, retaining its place, until such time as I can consider it further.

Mr. HARRIS. Would it not be quite as well to recommit the bill?

Mr. INGALLS. Perhaps that would be better.

Mr. HARRIS. It would be better.

Mr. INGALLS. I move to recommit the bill to the Committee on the District of Columbia.

The motion was agreed to.

#### PROSPECT HILL CEMETERY.

The bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860, was considered as in Committee of the Whole.

The bill was reported by the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 11, before the word "acres," to strike out "100" and insert "18;" in line 12, after "District of Columbia," to strike out the words "to sell and dispose of such parts of said land as may not be wanted for the purposes of said cemetery;" so as to read:

That the name and title of said corporation shall be the Prospect Hill Cemetery, and in that corporate name it shall have perpetual succession, and shall be able and liable to sue and be sued as a body politic and corporate, and exercise all the corporate authority and powers conferred upon it, and be subject to all the liabilities and duties imposed under the original act of incorporation aforesaid, may have and use a common seal, and shall have power to purchase and hold not exceeding 18 acres of land in the District of Columbia.

The amendment was agreed to.

The next amendment was to insert the following as an additional proviso to section 1:

And provided further, That no portion of said 18 acres shall be sold by said corporation, except for cemetery or burial purposes.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "proprietors," to insert "or owners;" and in the same line, before the words "said cemetery," to insert "lots in;" so as to make the section read:

SEC. 2. That the affairs of said corporation shall be conducted by a board of nine directors, any five of whom shall constitute a quorum, with full authority to act, which board of directors shall be elected annually by a majority of the votes of the proprietors or owners of lots in said cemetery; and the board of directors shall select and appoint from their own board a president and treasurer, and also from their own board or otherwise, a secretary and a superintendent, which superintendent shall have the immediate custody, supervision, and management of the cemetery, under the rules and regulations of the board. The directors shall have authority to fill temporary vacancies occurring in their board, and shall hold their offices until their successors are elected or appointed and qualified.

The amendment was agreed to.

The next amendment was, in section 4, after the word "business," at the end of line 10, to strike out "each member of said corporation or proprietors of lots shall pay an annual fee of \$1;" so as to make the section read:

SEC. 4. That the annual meeting of the proprietors of lots in said cemetery shall be held in the city of Washington on the first Monday in March of every year, for the purpose of receiving the annual report of the board of directors and for electing a new board, the place and hour of assembling to be specified in a public notice previously given by publication in one or more of the daily newspapers published in said city of Washington. At such meeting there shall be at least twenty lot proprietors to constitute a quorum to transact business. In all elections held under this act each proprietor shall be entitled to one vote.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That the words "the proprietors," where they occur in the original act of incorporation hereby amended, shall be interpreted and construed to mean the proprietors of lots in said cemetery, and which is hereby declared by this amendment to be the true intent and meaning of said words.

The amendment was agreed to.

The next amendment was, in section [8] 7, after the word "kind," in line 4, to insert "nor shall the cemetery grounds be enlarged beyond the ground now owned by said corporation;" so as to make the section read:

That burial lots in said cemetery shall not be subject to the debts of the proprietors thereof, and the land of the company dedicated to the purpose of a cemetery shall not be subject to taxation of any kind; nor shall the cemetery grounds be enlarged beyond the ground now owned by said corporation.

The amendment was agreed to.

The next amendment was to strike out section 12, as follows:

SEC. 12. That this act shall take effect from the passage thereof.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

That all acts and parts of acts inconsistent with the provisions hereof be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LICENSE TAX OF PRODUCE DEALERS.

The bill (S. 2219) to reduce the license tax of produce dealers at

large and in the several markets was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HOAR. I suggest to the Senator from Kansas to strike out in line 27 the words "not less than ten." It seems to me that a minimum penalty is always wrong.

Mr. INGALLS. Very well, let that be done. The bill was prepared by the District commissioners and sent here as a suggestion of their own after full examination into the condition of affairs here. The suggestion made by the Senator from Massachusetts is very proper, and I think the amendment should be made.

Mr. HOAR. The bill provides that a man must pay his license tax and he may be subjected to a penalty of not more than \$30 for not paying in time. If it is a mere accident, the court ought to be permitted to waive it.

The PRESIDENT *pro tempore*. If there be no objection, the amendment striking out the minimum penalty will be made. The Chair hears no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PAYMENT OF LABORERS FOR DECORATION DAY.

The joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF CHEROKEE RESERVATION IN ARKANSAS.

The bill (H. R. 138) to provide for the sale of the Cherokee reservation in the State of Arkansas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHEROKEE CLAIMS.

The bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1883, was considered as in Committee of the Whole. It provides for paying to the treasurer of the Cherokee Nation \$2,900 as a full and final discharge of all claims against the United States for the erection of certain corn-mills, as stipulated in the fourth article of the Cherokee treaty of February 14, 1833.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHANGE OF INAUGURATION DAY.

Mr. HOAR. I ask unanimous consent that the next order of business, being the joint resolution (S. R. 55) proposing an amendment to the Constitution of the United States, may be considered pending so far that I may move an amendment to it to be printed, and then go over.

The PRESIDENT *pro tempore*. The Senator from Massachusetts offers an amendment.

Mr. HOAR. It is not necessary to have either read. Let it go over. The PRESIDENT *pro tempore*. It will go over; and the amendment will be printed.

#### FEDERAL ELECTIONS.

The bill (S. 2297) concerning Federal elections was announced as next in order.

Mr. COCKRELL. Let that bill go over. It can not be considered now.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

#### ANN B. HUBBARD.

The bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix, was considered as in Committee of the Whole. It provides for the payment to Ann B. Hubbard, as administratrix of the estate of Edward Hubbard, deceased, of \$336.41, in full compensation for his services in transporting the mails of the United States between the post-offices at Wiscasset and Sheepscott Bridge, Me., from December 8, 1871, to February 11, 1873.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM WARD.

The bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party was considered as in Committee of the Whole. It proposes to direct the Attorney-General to ascertain what sum, if any, is a fair equivalent for services rendered by William Ward in the court of common pleas of Delaware County, Pennsylvania, in defending certain attachments and suits pending therein against the United States Revenue-Marine Steamer William H. Seward; and to direct the Secretary of the Treasury to pay to Ward such sum as the Attorney-General shall certify to be a fair equivalent for the services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

R. G. COMBS AND OTHERS.

The bill (S. 2298) for the relief of R. G. Combs and others was considered as in Committee of the Whole. It provides for the payment to various persons named the sums specified, being the value of labor and materials furnished in the building of the United States revenue-cutter called Thomas Corwin, built at Albina, Oreg., during the years 1875 and 1876, and for which labor and materials no sum whatever has ever been paid.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SPOONER May 3, 1886:

The Committee on Claims, to whom was referred the bill (S. 83) for the relief of R. G. Combs and others, have examined the same, and beg leave to report:

That in 1875 the United States entered into an agreement with the Oregon Iron Works, an Oregon corporation, for the construction at Albina, Oreg., of the revenue-cutter called Thomas Corwin. The contract-price was \$92,000, to be paid as the work progressed, in four equal installments. The contract gave to the Government the right to finish the vessel at the cost of the contractor, in case the latter failed.

The contractor made various subcontracts, and proceeded with the work, borrowing money for the purpose from the First National Bank of Portland, and making to the bank, to secure it for advances made and to be made, an assignment of the sum to grow due from the Government under the contract. The contractor received three installments, and before the payment of the last one failed and was adjudged a bankrupt. The bank at the time of the failure had advanced for the completion of the vessel upon the security of the last installment the sum of \$18,399.96.

Upon the failure the United States took possession of the vessel and removed her to San Francisco, and finished her at a cost of \$10,150.77, leaving a balance of the original contract-price of \$8,249.23, which was covered into the Treasury and carried to the surplus fund at the close of the fiscal year ending June 30, 1877.

A suit was brought by Coffin & Hendry, San Francisco, to recover for material furnished in rigging the vessel, \$3,639.20.

The court held (1) that the United States did not become the owner of the vessel until completion and delivery after trial trip; (2) that the possession of the Government while the vessel was being completed was the possession of the contractor; (3) that the Government, in completing the vessel, was, under the contract, simply the agent of the contractor.

The committee are of opinion that the decision was right and in accordance with the terms of the contract, and they have, therefore, reported favorably at this session a bill giving to the First National Bank of Portland the surplus of \$8,249.23, assigned to it as before stated.

The parties named in the bill are ship carpenters, painters, laborers, and firms who furnished material for the vessel. The labor and material all went into its construction. Some of them sought to enforce against the vessel liens for labor and materials under the State law, but they failed because of the relation of the United States to the vessel.

Mr. Evans, a Treasury agent, reported upon the case in 1878, in which he says:

"The Corwin is really a valuable vessel, finely finished, and her probable value is in excess of her cost."

Referring to the claims covered by this bill, he says:

"They are mostly due to poor men who feel the loss keenly, and it is hardly to be supposed that the Government desires to avail itself of any technicality to evade the payment to these her citizens."

The committee think these people should be paid. They belong to a class who can not well afford to work for nothing. The claims have no foundation in strict law, but have in them the strongest elements of equity. The probability is that the contract for the construction of the vessel was too low, and the committee, having recommended the allowance of the surplus to the bank, which gives it not quite 50 per cent. of its advances, think the Government should pay these claims for labor and material, of which it has had the benefit, at 50 cents on the dollar.

A similar recommendation was made by the committee at the first session of the Forty-eighth Congress, Mr. MANDESON making the report.

The committee report a substitute which simply cuts down one-half the amounts named in the original bill, and recommend the passage of the substitute.

The committee recommend the indefinite postponement of S. 83.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ORDNANCE ACCOUNT OF KANSAS.

The bill (S. 2332) to authorize the Secretary of War to credit the State of Kansas with certain sums of money on its ordnance account with the General Government was considered as in Committee of the Whole. It is a direction to the Secretary of War to cause the State of Kansas to be credited on its ordnance account with the General Government with the sum of \$24,448.50, for ordnance and ordnance stores drawn by the State to aid the General Government in the protection of the State against Indian invasion and depredations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TAXATION OF DISTILLED SPIRITS.

The bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits was announced as next in order.

Mr. ALDRICH. The Committee on Finance are considering sundry amendments to that bill, and I suggest that it go over without prejudice.

The PRESIDENT *pro tempore*. The bill goes over.

ELIZUR B. HALL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5891) to authorize a patent for the south half of the southeast quarter of section 34, in township 22 of range 15 east of the sixth principal meridian, to Elizur B. Hall, as administrator of the estate of William Frederick Schlagel.

The Committee on Public Lands reported an amendment, in line 3, after the words "issue to," to insert "the grantee of;" and in line 7, after the word "meridian," to insert "State of Kansas;" so as to make the bill read:

*Be it enacted, &c.* That a patent shall issue to the grantee of Elizur B. Hall, as administrator of the estate of William Frederick Schlagel, for the south half of the southeast quarter of section 34, in township 22 of range 15 east of the sixth principal meridian, State of Kansas, in the usual form and with the usual covenants, as far as may be practicable.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MILITARY QUARTERS AND BARRACKS.

The bill (S. 1935) authorizing and directing the Secretary of War to enlarge, repair, and complete certain military quarters and barracks in Wyoming Territory and in the State of Nebraska was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ALFRED M'MURTRIE.

The bill (H. R. 2066) for the relief of Alfred McMurtrie was considered as in Committee of the Whole. It proposes to pay to Alfred McMurtrie, of Luzerne County, Pennsylvania, \$115, for hay, corn, and oats taken for the use of and used by the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SUFFERERS BY WRECK OF STEAMER ASHUELOT.

The bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments.

The first amendment of the committee was, in section 1, line 13, after the word "paymaster," to strike out "James Entwistle, passed assistant engineer;" and in lines 14 and 15 strike out "Robert R. Leitch, passed assistant engineer;" so as to read:

That to reimburse the officers of the United States steamer Ashuelot, wrecked off the Lamoek Islands, in the China Sea, on the night of the 18th of February, 1883, for the loss incurred by them, respectively, in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, namely: To Andrew J. Iverson, lieutenant; Ambrose B. Wyckoff, lieutenant; Henry T. Stockton, lieutenant; Frank R. Hotchkid, lieutenant, junior grade; T. E. D. W. Veeder, lieutenant, junior grade; Edward N. Whitehouse, paymaster; Samuel H. Dickson, passed assistant surgeon; and James M. Pickrell, assistant engineer, each \$1,000. To Silas H. Wright, naval cadet; Samuel H. Williamson, naval cadet; William T. Webster, naval cadet; Robert Stewart, naval cadet; A. F. Collander, mate; and David Monat, pay clerk, each \$700.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "the," to insert "surviving;" and after "parents," in the same line, to strike out "and if there be no parent, the brothers and sisters;" in line 7 strike out "Brownson" and insert "Bronson;" in line 9 to strike out "Woo" and insert "Yoo;" and in line 10 to strike out "Scutland" and insert "Scotland;" so as to read:

SEC. 2. That the widow, child, or children, or in case there be not such, then the surviving parent or parents of those in the service who were lost in the wreck of the United States steamer Ashuelot, namely: William Gronan, seaman; George Valentine, captain of the hold; Fritz Rackenbach, quartermaster; William Bronson, landsman; Saint Leger Crone, quarter-gunner; Ah Kid, painter; Sun Shing, carpenter's mate; George Ashton, carpenter; Ah Yoo, landsman; Andrew Scotland, private marine; and Benjamin H. Wohlrab, landsman, shall be entitled to and receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives, in the order named, of the persons connected with the United States steamer Ashuelot hereinbefore referred to, a sum equal to twelve months' sea-pay of each person lost.

The amendment was agreed to.

The next amendment was to strike out the proviso after the word "lost," in line 16 of section 2, as follows:

*Provided*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death.

And in lieu thereof to insert:

*Provided*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent by reason of the death of any of the persons named in this section, in the payment of such pension account shall be taken of any sum paid as above provided, and to the extent of its account said sum shall be in lieu and stead of such pension, and no further: *Provided further*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## PROPOSED CONGRESS OF AMERICAN NATIONS.

The bill (S. 2362) to promote the political progress and commercial prosperity of the American nations was announced as next in order.

Mr. FRYE. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

## THE BRITISH BARK CHANCE.

The bill (S. 2088) for the relief of the owners, officers, and crew of the British bark Chance was considered as in Committee of the Whole.

The Committee on Foreign Relations reported an amendment, in line 6, before the word "thousand," to strike out "ten" and insert "fifteen;" and after the word "thousand" to insert "five hundred;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of State be, and hereby is, authorized and directed to draw his requisition upon the Secretary of the Treasury for the payment, out of any money in the Treasury not otherwise appropriated, of the sum of \$15,500 to the duly accredited representative of the Government of Great Britain at Washington, to enable said government to pay the same to the owners of the British bark Chance, of the port of Sydney, New South Wales, to indemnify them, and the officers and crew of said bark, for abandoning their whaling voyage in the Arctic Ocean, in the month of September, in the year 1871, and rescuing from shipwreck ninety-six American seamen and transporting them to Honolulu.

Mr. COCKRELL. Let the report be read.

Mr. FRYE. Does the Senator desire to hear the report?

Mr. COCKRELL. I should like some explanation of the case.

Mr. FRYE. It is a very plain case and has been reported favorably by House committees and Senate committees three or four times.

In 1871 this British bark, having been on the whaling-ground for months, received notice that American vessels were fast in the ice farther north, with a request for help. The men immediately abandoned their fishing, went up, and rescued ninety-six American sailors and carried them to Honolulu. That broke up their whole whaling voyage. They never received one dollar for it. They received \$35 a head under the disabled and destitute sailors' act for the support of our sailors while they were on board this vessel; that was all the Government could do. The matter has been standing from that time to this, fifteen years, and it is rather a discredit to the Government of the United States.

Mr. COCKRELL. Why did they not know how much was due to them? When they introduced the bill they only claimed \$10,000, and the Senate committee have raised it to \$15,500.

Mr. FRYE. The calculation on the part of the House—

Mr. COCKRELL. This is a Senate bill.

Mr. FRYE. There was a report made at this session in the House. It has been reported favorably in the House, and reported for \$10,000. The calculations were made—of course there was necessarily something indefinite about it—as to the loss of the adventure for the whole year's season was lost. They made calculations about the loss, and they made it about \$22,000. The House committee then cut it down one-half to make it absolutely certain, and called it \$10,000. We took the bill in our committee at \$10,000, and the committee unanimously said it was an injustice, and that it was so long ago that what we should do would be to practically add interest to the \$10,000 by an amendment, and we have added it.

Mr. COCKRELL. Is it not a violation of every rule and precedent in the Senate to allow interest?

Mr. FRYE. This is due to foreign people, and not to our own people. The Senator from Vermont [Mr. EDMUNDS] advocated that and advised it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## LEAVES OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

The bill (H. R. 544) granting leave of absence to employés in the Government Printing Office was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with amendments.

The first amendment was, after the word "office," at the end of line 3, to insert "whether employed by the piece or otherwise;" and in line 6, before the word "year," to insert "fiscal;" so as to read:

That the employés of the Government Printing Office, whether employed by the piece or otherwise, be allowed a leave of absence, with pay, not exceeding fifteen days in any one fiscal year, after the service of one year, and under such regulations and at such time as the Public Printer may designate.

The amendment was agreed to.

Mr. COCKRELL. Is there any report with that bill?

The PRESIDENT *pro tempore*. There is no report.

The next amendment was, in line 8, after the word "designate," to insert:

Such employés as are engaged on piece-work shall receive the same rate of pay for the said fifteen days' leave as will be paid to day-hands: *Provided*, That those regularly employed on the CONGRESSIONAL RECORD shall receive leave, with pay, at the close of each session *pro rata* for the time of such employment.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 2. That this act shall take effect on and after the 1st day of July, 1886.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## FERRY AT FORT BUFORD.

The bill (H. R. 1230) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HARRIS. In the title the word "a" should be converted into "and;" so as to read: "A bill to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory."

The PRESIDENT *pro tempore*. That amendment to the bill will be made.

## JOSEPH FRANCIS.

The joint resolution (H. Res. 125) in recognition of the services of Joseph Francis was announced as next in order on the Calendar.

Mr. McPHERSON. In the absence of the Senator from New York [Mr. EVARTS] I ask that that go over.

The PRESIDENT *pro tempore*. It goes over.

## FORFEITURE OF RAILROAD LAND GRANTS.

The bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was in line 13, after the word "act," to insert:

Also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad.

So as to read:

That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely: Chapter 83, 11 Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act; also except so much of said act as relates to a grant of land in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad.

The amendment was agreed to.

The next amendment was, after the word "domain," in line 42, to strike out the words:

And subject to entry and settlement, under the provisions of the homestead laws, by actual settlers only.

So as to read:

That all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under the said several provisions of law be, and they are hereby, declared forfeited and determined; that all the lands within the terms and scope of said several provisions of law be, and they are hereby, restored to the public domain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## ANDREW T. McREYNOLDS.

The bill (S. 2217) for the relief of Andrew T. McReynolds was announced as next in order.

The PRESIDENT *pro tempore*. This bill has been heretofore considered, the report of the Committee on Pensions read, and a motion made to refer it to the Committee on Claims. The question is on that motion.

Mr. HARRIS. Let the bill be read for information.

Mr. CONGER. I hope the bill will be acted on. It was up the other day and passed over. It is a pension bill for an old soldier of the Mexican war, Colonel McReynolds, and also a soldier in the war for the Union, a gentleman whom I had the pleasure of meeting but a few days ago, old and infirm.

Mr. COCKRELL. This is not a pension bill at all; it is a bill that the Committee on Pensions reported, without having, in my judgment, jurisdiction of the matter. I object to it unless it is referred to the Committee on Claims. It is purely a claim; not a pension.

Mr. HOAR. Suppose the Senator allows the report to be read.

The PRESIDENT *pro tempore*. It has been read heretofore.

Mr. CONGER. I said it was a pension bill. I have not examined the case, although I know the man.

Mr. HOAR. Allow me to make a suggestion.

Mr. CONGER. I think the bill ought to pass.

Mr. COCKRELL. It is to pay Mr. McReynolds \$950, taking his receipt therefor in full discharge of all claims. It is not to pay him a pension.

Mr. HOAR. Will the Senator allow me to make a suggestion before he makes an objection?

Mr. COCKRELL. Certainly.

Mr. HOAR. A bill now referred to the Committee on Claims would not, in all probability, with the great mass of business before that committee, get examined and reported in time to be considered by the present Congress. I never heard of this case before and know nothing about it; but if it be true, as the Senator from Michigan says, that this is an aged man, a soldier of two wars, it seems to me it would be a pity to dismiss the man to another Congress merely on the technical ground that the wrong committee had considered it. I hope the Senator from Missouri will look at the report and see whether it is a good case or not.

Mr. COCKRELL. Let the bill retain its place on the Calendar and go over for to-day. We can take it up to-morrow, if necessary.

The PRESIDENT *pro tempore*. Objection being made, the bill is passed over without losing its place.

#### JUDGE FOR SOUTHERN ALABAMA.

The bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 6, after the word "receive," to strike out "the same" and insert "a;" and after the word "salary" to strike out "and to be paid in the same manner that the judge of the other district court of said State is allowed and paid" and insert "\$3,500, payable quarterly;" so as to make the section read:

That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district of the State of Alabama; and that said judge shall be entitled to receive a yearly salary of \$3,500, payable quarterly.

Mr. HARRISON. Before the amendment is agreed to I desire to offer an amendment, which, if it is adopted, involves a disagreement to this amendment.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator propose an amendment to the amendment?

Mr. HARRISON. It is not in the nature of an amendment to this amendment. I propose to offer two additional sections to the bill, being the bill regulating the salaries of United States district judges generally, which has been passed by the Senate.

Mr. VAN WYCK. If the Senator insists on that amendment I shall have to object to the consideration of the bill. That question can not be considered properly under this order.

The PRESIDING OFFICER. Does the Senator from Nebraska object to the consideration of the bill?

Mr. VAN WYCK. I do.

The PRESIDING OFFICER. The bill goes over.

Mr. HARRISON. I ask that for the present the Senator from Nebraska will consent that the bill may be passed informally so as to be called up again to-day when the Senator from Alabama [Mr. PUGH] is in the Chamber.

Mr. VAN WYCK. I withdraw the objection.

The PRESIDING OFFICER. Objection is withdrawn. The Chair would suggest to the Senator from Indiana that the usual course is to act upon the amendments of the committee before other amendments are received.

Mr. HARRISON. Then I hope the Senate will disagree to this amendment.

Mr. HOAR. I reported the bill. I will waive the amendment of the committee until the question is taken on the Senator's amendment.

The PRESIDING OFFICER. Then the Chair will entertain the amendment of the Senator from Indiana.

Mr. HARRISON. I offer the following amendment in the nature of additional sections to the bill:

Sec.—. That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of \$5,000 per annum.

Sec.—. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

The PRESIDING OFFICER. The question is on this amendment.

Mr. MAXEY. That amendment is certainly too broad to go on a bill local in its character. It increases the salary of all the district judges not now at \$5,000 up to that in the future. I hardly think in a thin Senate like this it is advisable to go into that subject.

Mr. HARRISON. Allow me to say that it is absolutely essential in creating this new district to fix the compensation of this judge.

Mr. MAXEY. Precisely; but the bill fixes it at \$3,500.

Mr. HARRISON. I know it does, but if we are to increase the salary to \$5,000 by general legislation, of course it is entirely appropriate to do it on a bill which fixes the salary of a single judge.

Mr. MAXEY. I do not want to object to the bill, but I think we ought to discuss that matter much more fully than it is possible to do on a bill like this.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The question being put, there were on a division—ayes 8, noes 7; not a quorum voting.

Mr. HARRISON. I call for the yeas and nays.

Mr. VAN WYCK. Evidently this can be considered to-morrow under the order of business for to-morrow.

Mr. HARRISON. It will hardly be reached to-morrow; but if we can have unanimous consent to call it up to-morrow when the Senate is fuller I will let it go until to-morrow.

Mr. CONGER. By the understanding and unanimous consent all bills which are even objected to in this course of proceeding hold their place, going over without prejudice under Rule VIII, and come up whenever they are reached again.

The PRESIDING OFFICER. That is true under the order.

Mr. HARRISON. That is true; but the place this bill occupies on the Calendar is such that it is uncertain when it may be reached under the general call. I hope we shall either consider it now, or if Senators prefer to have it go over let it go over until to-morrow with the understanding that it may be called up then.

Mr. MAXEY. Neither of the Senators from Alabama is present. I do not want to interfere with the passage of a bill in relation to that State. The amendment of the Senator from Indiana opens a great, broad question, in which every State is concerned and about which there is very great difference of opinion. I do not propose to consider that question on this bill. I do not want to object to the bill if doing so can be avoided; and if the Senator is willing to let it go over informally until to-morrow, I shall not object to that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana that the bill be informally postponed, subject to be called up at any time, with all its rights under the rule under which the Senate is acting?

Mr. KENNA. Does that consent carry with it the amendment of the Senator from Indiana?

The PRESIDING OFFICER. It carries with it the consideration of the whole question.

Mr. HOAR. Allow me to make one suggestion. That assent carries with it the power of any single Senator at any time to object, as now. It does not put it beyond the right of objection.

Mr. KENNA. I have no earthly objection to the original proposition, but I do object to attaching to it a general salary feature, as suggested by the Senator from Indiana.

Mr. HARRISON. I suggest then that by unanimous consent this bill go over until to-morrow, until the Senators from Alabama are present, to be then considered the same as it would have been to-day, subject to the objection of any Senator to put it over.

The PRESIDING OFFICER. Is there objection to that suggestion?

Mr. KENNA. I have no objection to the bill going over without the amendment of the Senator from Indiana. I think no one objects to the original bill; but if that carries with it the consideration of the proposition of the Senator from Indiana, I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. HARRISON. I hope the Senator will withdraw that objection until the Senators from Alabama are present. I want to consult them on this point.

Mr. KENNA. I withdraw the objection until those Senators are present.

The PRESIDING OFFICER. Is there objection to passing over the bill informally, subject to its being called up? The Chair hears none, and it will be so ordered.

#### JOHN TAGGART.

The bill (H. R. 4115) for the relief of John Taggart was considered as in Committee of the Whole. It provides for the payment to John Taggart, late postmaster at Bolton, Harrison County, Missouri, of \$30.64, in full of all claims against the United States on account of stamps destroyed by fire in the fall of 1870.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COURTS IN SOUTHERN FLORIDA.

The bill (H. R. 5221) to change the time of holding United States circuit and district courts in the southern district of Florida was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL F. GARRETT.

The bill (H. R. 1840) granting a pension to Samuel F. Garrett was considered as in Committee of the Whole.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER. There is. The report will be read. The Chief Clerk proceeded to read the report submitted by Mr. SEW-

ELL, from the Committee on Pensions, May 11, 1886, but before concluding.

Mr. COCKRELL. Let that case be passed over. I remember the case now.

The PRESIDING OFFICER. The bill will be passed over.

ISAAC HARTEE.

The bill (S. 1802) for the relief of Isaac Harter was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

CATHERINE WHITESSELL.

The bill (H. R. 6590) granting a pension to Catherine Whitesell was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Catherine Whitesell, widow of Dr. George L. Whitesell, as if Dr. George L. Whitesell had been mustered into the military service of the United States during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, step-mother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill:

The claimant filed her application for a pension as the dependent step-mother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claim, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the step-mother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Philip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father, April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes, and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about \$2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents, bearing date February, 1864, at Camp Washburn, he sends for their support \$60 out of his bounty of \$75; he also sent them his certificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter, written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. COCKRELL. I must object to that. I do not think that is a case which comes within the provisions of the law. The holding of two or three thousand dollars' worth of real estate does not seem to me to constitute a person a dependent mother.

The PRESIDING OFFICER. The bill is objected to, and goes over.

JAMES B. RUSSELL.

The bill (H. R. 5696) for the relief of James B. Russell was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. The bill will be passed over.

TURNER C. GOODRUM.

The bill (S. 2397) for the relief of Turner C. Goodrum was considered as in Committee of the Whole. It provides for the payment of \$100 to Turner C. Goodrum, due as additional bounty under the act of July 28, 1866.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT SAN ANTONIO AND FORT BRADY.

The bill (H. R. 7183) to authorize the purchase of a certain tract of land near San Antonio, Tex., was considered as in Committee of the Whole. It is a direction to the Secretary of War to purchase and acquire a valid title to, for the United States, a certain tract of land lying in the county of Bexar, in the State of Texas, near the city of San Antonio, consisting of 310 acres, more or less, and being the same now held by the United States for a drill-ground under a rental contract with John H. Kampmann, and dated July 1, 1885.

Mr. CONGER. I offer an amendment to this bill, to be added as additional sections.

The CHIEF CLERK. It is proposed to insert as additional sections the following:

SEC. 3. That the Secretary of War is hereby authorized to sell the military reservation known as Fort Brady, in the village of Sault Sainte Marie, in the State of Michigan, except that portion lying north of Water street extended, which shall be reserved for canal and wharf purposes, and except the plot of ground now occupied as a military cemetery, which shall also be reserved. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, corresponding as near as may be with the plat of the village of Sault Sainte Marie, and in lots not exceeding one-quarter of an acre in each, unless with due reference to the requirements of the houses and buildings now located on said grounds. The Secretary of War shall also cause the lots to be appraised and sold at public or private sale, at not less than the appraised value, having first been offered at public sale. The expense of advertising, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

SEC. 4. The Secretary of War is also authorized to purchase grounds in or near the village of Sault Sainte Marie, suitable and sufficient for fortification and for garrison purposes, and construct thereon the necessary buildings, with appurtenances, sufficient for a four-company military post, to be known as Fort Brady, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding \$120,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act: *Provided*, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

SEC. 5. That in platting these grounds the Secretary of War, in his discretion, may reserve all that part of the reservation lying south of Portage street, to be set apart and kept by the municipal authorities of Sault Sainte Marie as a public park for its citizens and the people of the United States.

SEC. 6. That section 1 of this act shall not be of effect until the purchase of a new site provided for in section 4 shall have been effected.

Mr. CONGER. The proposition I offer has passed the Senate as a separate bill. I have in my hand the report of the Committee on Military Affairs of the Senate in which there is a copy of reports of the officers from the commandant of the fort, General Hancock, and the Secretary of War, all recommending that the site of the old fort used for Indian purposes half a century ago and which is below the present United States canal where it is no protection to it, be changed. It is right in the middle of the village. On the bluff opposite the canal is the site recommended by the War Department, ground which can be obtained by purchase and the fort be located there. The report is a long one, but in substance each of these officers recommends that the change be made.

The bill which I have offered as an amendment has passed the Senate without opposition and it was prepared by the War Department and sent to me to be introduced in the Senate at the time it was passed with such modifications as the committee had made. The necessity of the change for military purposes is fully set forth and also the necessity of it for the protection of the canal and the bridges across into Canada of the railroad companies.

The only reason I desire to have it put upon this bill is that it has passed the Senate and it is kindred to this bill, in order that both these bills may become a law, and I shall ask a conference committee in regard to it.

Mr. MAXEY. If the bill under consideration for the purchase of grounds in San Antonio for military purposes were a Senate bill, I should certainly make no objection; but the Senator from Michigan knows the situation in which I am placed. The bill that has now been reached has passed the House. It was reported with a conclusive report in its favor by the Committee on Military Affairs by the Senator from Missouri [Mr. COCKRELL]. Those directly interested in the passage of the bill fear that the amendment of the Senator from Michigan, which has nothing whatever to do with the pending bill, but is a separate and distinct bill itself, would endanger and probably lose both in the House. That is the only objection they have to it.

Believing that it is my duty to act toward those who are responsible for the House bill and knowing that it is not their desire to have the amendment put on, I sincerely hope the Senator will not insist upon the amendment. I do not wish to do anything against the wishes of those who have engineered the bill successfully to its present point, and it being a House bill, I would greatly prefer that the Senator should take some other occasion to pass his bill. I know his bill is right. I once reported on that bill myself; I am not objecting to it on that ground; but at this stage of the session, I fear that it would endanger the passage of the bill.

Mr. CONGER. There can possibly be no objection to the measure I have offered. Both are for procuring military sites and regulating them. They are kindred objects. They are both for the interest of the Government, not for individuals or for corporations, and both have been recommended by the Secretary of War as necessary for the military purposes for which they are proposed. In a committee of conference there can be no possible doubt this will be agreed on, it having passed the Senate and no objection being made to it anywhere. The bill itself in fact came drafted from the Secretary of War, and I take the usual course which it is very proper to take to secure the passage of both these bills. My amendment can not jeopardize the House bill, and I hope there will be no objection to it.

Mr. MAXEY. I have said—

The PRESIDING OFFICER. The Chair having indulged the Senator from Michigan will indulge the Senator from Texas, but under the rule no Senator has the right to be heard more than once on the same question.

Mr. MAXEY. I desire to say that no man in the Senate is more accommodating than myself. If it was a question of my own and this was a Senate bill I would not say a word. I have explained why it is that I regard it as a duty to object to the amendment. If the Senate sees proper to put it on, I can not help myself.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan [Mr. CONGER].

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. The title should be amended by adding the words: "And to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon."

The PRESIDING OFFICER. The title will be so amended, there being no objection.

Mr. CONGER. I move that the Senate insist on its amendment and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. COCKRELL, Mr. CONGER, and Mr. HARRISON were appointed.

#### NATIONAL CEMETERY AT NATCHEZ.

The bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss., was considered as in Committee of the Whole. It proposes to appropriate \$10,000 for the construction of a macadamized road from the city of Natchez, Miss., to the national cemetery near that city, and provides that the right of way, not less than 75 feet in width, shall first be secured to the United States to the ground over which the road shall run, and that the road shall be constructed under the supervision of the Secretary of War, upon a contract let to the lowest bidder.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendments to this bill reported from the Committee on Military Affairs by the Senator from Mississippi [Mr. WALTHALL] will be stated.

The CHIEF CLERK. The first amendment is, in line 6, after the word "macadamized," to insert "or gravel."

The amendment was agreed to.

The next amendment was, in line 8, to strike out the word "seventy-five" and insert "fifty;" so as to read:

That the right of way, not less than 50 feet in width, &c.

Mr. FRYE. I should like to inquire of the Senator from Mississippi whether or not these proposed amendments were considered in committee.

Mr. WALTHALL. They were recommended by the Secretary of War, and the committee did not receive his recommendation till after the bill was reported.

Mr. FRYE. They were not then voted on by the committee?

Mr. WALTHALL. No, sir; not before the bill was reported. I submitted them afterward.

Mr. FRYE. All right.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### PRIVATE LAND CLAIMS.

The bill (S. 11) to provide for ascertaining and settling private land claims in certain States and Territories was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

#### CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS.

The bill (S. 2415) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., was considered as in Committee of the Whole. It proposes to have the Quartermaster's Department of the United States Army investigate the circumstances, character, and extent of the alleged occupation by the United States authorities, for Government purposes, during the late war, of the college building and grounds of the Christian Brothers in Saint Louis, Mo., the actual value of the use and occupation of that portion of the property occupied for the time it was occupied by the United States troops, the amount of damage to the real estate arising from and incident to such occupation, and to find and award and certify to the Secretary of the Treasury what amount, if any, is equitably due the trustees from the United States as the reasonable value of such use and occupation, and for damages to the buildings and grounds the natural result of such occupation. The Secretary of the Treasury is to pay to the trustees, or their successors, the amount, if any, so found to be due from the United States; and the acceptance by the trustees of any sum so paid is to be

in full satisfaction of all claim of every name and nature for the occupation, and all damages resulting therefrom.

Mr. CONGER. Is there a report?

The PRESIDING OFFICER. There is.

Mr. DOLPH. I will state that the report is very long. The bill was a long time before the committee.

Mr. CONGER. This bill appropriates money. I wish to know what the amount of damages supposed to be incurred was.

Mr. DOLPH. Whatever is allowed by the Secretary of War.

Mr. FRYE. How much was claimed?

Mr. DOLPH. The amount claimed was \$30,000. The amount reported by the majority of the committee two years ago was \$20,000. But the report will show that the actual damages would be much less.

Mr. CONGER. I understand this to be a war claim for damages arising during a state of war.

Mr. DOLPH. It is claimed and shown to the satisfaction of the committee that Saint Louis at the time the property was occupied was not in hostile territory so as to come within the rule laid down. The committee were not satisfied to report any given amount but preferred to refer it to the Secretary of War to investigate and examine into it upon such testimony as might be furnished.

Mr. CONGER. I suppose technically the fact is that the State of Missouri was not at any time within the rebellion. I will not make any objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JAMES C. DUANE.

The bill (S. 1576) for the relief of Col. James C. Duane was considered as in Committee of the Whole. It proposes to appropriate \$648 to reimburse Col. James C. Duane, brevet brigadier-general, United States Army, for losses incurred in his office as engineer of the third light-house district through the forgeries committed by a clerk in his office, Henry J. Buete (who has fled the country), in raising his official checks to amounts greater than those for which they were drawn and signed, between the 1st of January and the 23d of June, 1879, without any negligence or fault on the part of Colonel Duane.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ILLEGAL TONNAGE DUES.

The bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues was announced as next in order.

Mr. FRYE. Is the report long?

The PRESIDING OFFICER. Ten or twelve pages, the Secretary states to the Chair.

Mr. ALDRICH. I object to the bill.

The PRESIDING OFFICER. The bill will be passed over.

#### ALEXANDER K. SHEPARD.

The bill (H. R. 33) for the relief of Alexander K. Shepard was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, in line 5 to strike out "\$17,268.53," and insert "\$14,458.04;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and is hereby, authorized and required to pay to Alexander K. Shepard, of Tuscaloosa, Ala., the sum of \$14,458.04 out of any money in the Treasury not otherwise appropriated.

Mr. HARRISON. There seems to be a minority report there. I think that had better go over.

The PRESIDING OFFICER. The bill will be passed over.

#### WILLIAM TALBERT.

Mr. JONES, of Arkansas. I enter a motion for the reconsideration of Order of Business 952, being the bill (S. 1554) for the relief of William Talbert. My object in entering the motion is to call up the House bill, which is identical with this, which has just passed the House. When that comes here I should like to have that taken up instead of this.

The PRESIDING OFFICER. The Senator's motion will be entered.

#### SAMUEL P. EVANS.

The bill (S. 277) for the relief of Samuel P. Evans was considered as in Committee of the Whole. It proposes to pay to Samuel P. Evans \$1,154.04 as fees for services rendered by him as marshal after the expiration of his term of office and before his successor was appointed and qualified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM FISHER.

The bill (H. R. 7470) for the relief of William Fisher was considered as in Committee of the Whole. It provides that the sum of \$231.30, being the amount of revenue tax imposed by law upon William Fisher, of Franklin County, Virginia, for the manufacture of 257 gallons of distilled spirits which were destroyed by fire at the house of Fisher on the 11th of March, 1885, without fault or negligence upon his part,

and the interest and penalties imposed for the non-payment of the tax shall be released and remitted to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOUSE CONTESTED ELECTIONS.

The bill (H. R. 6637) relating to contested elections was considered in Committee of the Whole.

The bill was reported from the Committee on Privileges and Elections with amendments.

The first amendment was, in line 19, after the word "elections," to insert the words "and the same shall be kept by him in the Capitol;" so as to read:

That section 127 of the Revised Statutes of the United States be so amended as to read as follows:

"All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without necessary delay, certify and carefully seal and immediately forward the same, by mail or by express, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement.

"The Clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall file the same with the clerk of the Committee on Elections, and the same shall be kept by him in the Capitol," &c.

The amendment was agreed to.

The next amendment was, in line 45, after the word "printed," to insert the words "as he shall determine;" so that the paragraph will read:

If either party, after having been duly notified, should fail to attend, by himself or by an attorney, the clerk of the committee shall proceed to open the packages, and shall cause such portions of the testimony as he shall be of opinion ought to be printed, as he shall determine.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

That the clerk of the Committee on Elections shall hold his office until his successor is appointed and qualified. He shall receive for his services \$2,000 per annum; and he shall prepare, when directed by the committee, for publication, a digest of election cases, but shall not be entitled to additional compensation therefor.

Mr. HOAR. The words "to be printed" ought to be repeated. I move to amend in line 44, inserting after the word "testimony" the words "to be printed."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### BUSH & GRIGSBY.

The bill (S. 1534) for the relief of John P. Bush and James Grigsby was announced as next in order.

Mr. BERRY. There is a House bill in precisely the same language as that bill. I move that the House bill be considered in lieu of the Senate bill.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to consider the House bill of the same title. The Chair hears no objection.

The bill (H. R. 2953) for the relief of John P. Bush and James Grigsby was considered as in Committee of the Whole. It provides for the payment to John P. Bush and James Grigsby, doing a distilling business at Glennville, in the county of Washington, Kentucky, under the firm-name and style of Bush & Grigsby, of \$1,029.34, in full for taxes paid by them for and on account of deficiencies in not producing 80 per cent. of the producing capacity of their distillery as established by law, by reason of unavoidable accidents, which occurred during the months of February, March, April, and May, 1875.

Mr. FRYE. Is the amount the same in both bills?

Mr. BERRY. Precisely the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill No. 1534 will be indefinitely postponed.

#### EQUALIZATION OF BOUNTIES.

The bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union was announced as next in order.

Mr. COCKRELL. Let that go over. We can not consider that now.

The PRESIDING OFFICER. The bill, being objected to, goes over.

#### COMMERCIAL PRIVILEGES.

The bill (S. 2392) to limit the commercial privileges of vessels of foreign countries in the ports of the United States to such purposes as are accorded to American vessels in the ports of such foreign countries was announced as next in order.

Mr. FRYE. That bill has become a law in the form of an amendment to another bill, and may as well be indefinitely postponed. I make that motion.

The motion was agreed to.

#### PATRICK COOK.

The bill (S. 1018) for the relief of Patrick Cook was considered as in Committee of the Whole. It proposes to pay to Patrick Cook, a resident of the District of Columbia, \$1,500, being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington, one-half of the sum to be chargeable to the revenue derived from taxation within the District of Columbia.

Mr. COCKRELL. Let the report be read.

The Secretary read the report, submitted by Mr. BLACKBURN May 17, 1886, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1018) for the relief of Patrick Cook, having considered the same, report as follows:

That on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 24, said damages occasioned by public improvements in excavating Twenty-fourth street northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of \$1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of \$1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the \$1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill with recommendation that it do pass.

Mr. COCKRELL. I do not see any one of that committee present. I should like to make some inquiries as to whether there are any other claims of this same class; whether there may not be other claims, and this simply be a precedent for them. The board is defunct, having been legislated out of existence. This may be a precedent to bring in a large class of claims, and as there is no member of the committee present I ask that it go over.

The PRESIDING OFFICER. The bill, being objected to, goes over.

#### BILLS POSTPONED INDEFINITELY.

The bill (S. 711) to establish the meaning of the word "month" in the statutes of the United States was announced as next in order.

Mr. FRYE. That and the next three bills in order are adversely reported.

The PRESIDING OFFICER. Being objected to, the three cases will go over.

Mr. COCKRELL. Why not postpone them indefinitely, unless they are wanted to be retained on the Calendar.

Mr. FRYE. I have no objection to that.

Mr. COCKRELL. I move then to indefinitely postpone Senate bill 711.

The motion was agreed to.

Mr. COCKRELL. Let the other two be passed over, the bill (S. 1877) for the relief of John McNaughton, and the bill (S. 1822) for the relief of Maj. E. A. Hancock.

The PRESIDING OFFICER. That order will be made.

#### YELLOWSTONE RIVER PARK.

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, was announced as next in order.

Mr. COCKRELL. That is quite a lengthy bill, and the Senator who reported it [Mr. MANDERSON] is not present. As my colleague [Mr. VEST] takes an interest in it, and is not here, it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

#### INSURANCE IN THE DISTRICT OF COLUMBIA.

The bill (S. 1213) to regulate insurance in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 9, after the word "policies," to strike out "of" and insert "or;" so as to read:

That no company hereafter organized or incorporated within the District of Columbia shall transact the business of insurance in any of its branches unless the whole capital of such company be not less than \$100,000, actually and in good faith paid up in full, in cash, excepting life-insurance companies which issue to their members policies or certificates agreeing to pay benefits or sums of money which are to be realized by assessments levied upon the members; no other capital than such assessments shall be required of them.

The amendment was agreed to.

The next amendment was, in line 12 of section 1, after the word "them," to strike out—

A majority of the directors or trustees of such insurance companies shall reside within said District.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "December," to insert "accompanied by a list of the names of the stockholders;" so as to read:

Sec. 2. That every insurance company doing business in said District must transmit to the commissioners of the District a statement of its condition and business for the year ending on the preceding 31st day of December, accompanied by a list of the names of the stockholders, which statement shall be rendered on the 1st day of January following, or within sixty days thereafter, except that foreign companies shall transmit their statements of business, other than that done in the United States, prior to the following 1st day of July, which states:

must be in form and state the particulars required by the blanks prescribed by the commissioners.

The amendment was agreed to.

The next amendment was, after section 5, to insert as a new section:

Sec. 6. That each insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RETIREMENT OF ARMY OFFICERS.

The bill (S. 2193) to retire disabled officers of the Army was announced as next in order.

Mr. COCKRELL. I move that that be indefinitely postponed. It is reported adversely.

The motion was agreed to.

#### EDWARD D. PATCHIN.

The bill (S. 2455) granting a pension to Edward D. Patchin was announced as next in order.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SAWYER May 18, 1886:

The Committee on Pensions, to whom was referred the petition of Edward D. Patchin, have examined the same, and report:

The petitioner is a son of Bernard Patchin, who, as shown by the report of the Adjutant-General, was a private in Company B, Forty-first Ohio Volunteers, was enrolled September 30, 1862, died of disease at Nashville, Tenn., January 17, 1863. Officer's certificate shows that he died of typhoid fever contracted in line of duty; that at the time he entered the service he was a young man of good health and habits. The Pension Office records show that the widow and two minor children were pensioned; that the widow remarried in 1865, and that the two sons, Edward D. and Charles B. Patchin, were continued on the roll until the expiration of the time limited for their receiving a pension.

The petitioner now prays for the passage of a special act placing him on the pension-roll by reason of an accident whereby he has been crippled for life and disqualified for engaging in active employment. He is now about twenty-five years of age, and says he is the only surviving issue of the said Bernard Patchin; that he is not able to perform manual labor, and that he has no means of support.

His identity is established by the testimony of three witnesses, who say he is the only surviving issue of the soldier; that he is hopelessly maimed for life, and that he has no means of support.

In view of his helpless condition, and of his being deprived of support and protection, the committee report the accompanying bill for his relief with a recommendation that it do pass.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. Objection being made the bill goes over.

#### MARY KARSTETTER.

The bill (H. R. 2043) to place Mary Karstetter on the pension-roll, was considered as in Committee of the Whole. It proposes that Mary Karstetter, widow of Jacob Karstetter, a soldier in the volunteer service of Pennsylvania, be placed on the pension-roll as the widow of a soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### STEEL FOR ORDNANCE.

Mr. HAWLEY. The next two orders on the Calendar may be passed over, the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and the bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare.

The PRESIDING OFFICER. Being objected to, the bills will go over.

Mr. HAWLEY. I do not wish to enter an objection; I merely ask that they may be passed over.

The PRESIDING OFFICER. The effect is exactly the same. They hold their places on the Calendar under the rule for to-day.

#### MEXICAN WAR PENSIONS.

The bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war was announced as next in order.

Mr. TELLER. That had better go over. It can not be considered under this order.

The PRESIDING OFFICER. The bill is objected to, and goes over.

#### GUTHERZ'S "FARMING IN DAKOTA."

The bill (S. 2457) providing for the purchase of the painting entitled "Farming in Dakota" was considered as in Committee of the Whole. It proposes to appropriate \$3,000 for the purchase of the painting entitled "Farming in Dakota," by Carl Guthertz.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GOVERNMENT LAND IN LOUISIANA AND MICHIGAN.

The bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State Uni-

versity and Agricultural and Mechanical College, at said place for educational purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments: In line 6, after the words "Baton Rouge," to insert the words "the possession of;" in line 9, after the word "line," to strike out the word "fifty" and insert the words "one hundred;" in line 11, after the word "Texas," to strike out the word "railroad" and insert "railway;" and in line 21, after the words "United States," to strike out "they" and insert the words "the possession of the same;" so as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Louisiana State University and Agricultural and Mechanical College, at Baton Rouge, the possession of the buildings and grounds of the United States barracks at Baton Rouge, for the purposes of the said university and college, except that portion of said grounds that lies westward of a line 100 feet east of the center of the railroad track of the Louisville, New Orleans and Texas Railway Company, and said excepted lands may be used and occupied by said railroad company; but should said railroad company cease to use and occupy said lands, then the possession shall revert to the United States: *Provided, however,* That the board of managers of the said university and college shall keep the buildings in good repair and insured for the use of the United States: *And provided further,* That whenever the said buildings and grounds cease to be used for educational purposes by the said university and college, or when required by the Secretary of War for the use of the United States, the possession of the same shall revert to the Government of the United States.

The amendments were agreed to.

Mr. CONGER. I move to add as an additional section at the end of the bill the following:

Sec. 2. That fractional section 1 and lot numbered 4, section 2, township 48 north, range 25 west, in the district of lands subject to sale at Marquette, Mich., except a tract 220 feet by 190 feet, containing 1 acre, on the extreme north end of said tract, being a light-house reservation, be, and the same are, granted to the city of Marquette, Mich., to be held in trust for the purpose of a public park, reserving the right of way on the above-granted land to the above-mentioned tract: *Provided,* That if the above-granted land shall cease to be used for park purposes the same shall revert to the United States: *Provided further,* That Congress reserves the right at any time to alter or amend this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER].

Mr. COCKRELL. I should like to ask the Senator from Michigan if that question has been referred to any committee of the Senate?

Mr. CONGER. I was about to read from the report of the House committee containing the recommendation of Vice-Admiral Rowan and the Light-House Board.

Mr. COCKRELL. Has it been reported by any committee of the Senate?

Mr. CONGER. It has not.

Mr. COCKRELL. And it has not been presented in the Senate?

Mr. CONGER. Yes, sir; I presented a bill for this purpose.

Mr. COCKRELL. To what committee was it referred?

Mr. CONGER. To the Committee on Commerce. It relates to a light-house reservation.

Mr. COCKRELL. Is not the Senator the chairman of that committee?

Mr. CONGER. No, I am not; I am a humble member of that committee.

Mr. COCKRELL. The Senator is a member of the committee, and I should think he would not want to have a bill pending before his own committee taken away from that committee.

Mr. CONGER. In order that the bill may pass, if it is a proper one to become a law, I have asked that it be appended to this House bill. It is the recommendation of the House Committee on Public Lands. It is also the recommendation of Vice-Admiral Rowan in the report which I have here, and the recommendation of C. S. Fairchild, acting Secretary of the Treasury, that this rocky promontory overlooking Lake Superior at Marquette, which has been reserved for thirty or forty years for light-house purposes, may be given to the city of Marquette in trust for a public park. Mr. Peter White, of that town, has offered to spend several thousand dollars in making it an agreeable place of resort for the people of the United States. It is useless for agricultural or mineral or timber purposes. I have here a letter of the Secretary of the Treasury. I have also the letter of Vice-Admiral Rowan, the chairman of the Light-House Board, the closing part of which is as follows:

Recommendation is, therefore, respectfully made, that the proper steps be taken by the Department for the relinquishment of the reservation in question, except as to the acre and right of way above specified, the right of the board to use any part of the reservation that may be needed hereafter for light-house purposes to be reserved.

I will say that at Marquette, on another point near the entrance into Marquette Harbor we have a light-house erected, and that there may never be a necessity for a light-house on this point. It is the wish of the citizens that they may use it as a public park, and the Secretary of the Treasury and the Light-House Board both recommend its use for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CONGER. The title should be amended by adding "and granting to the city of Marquette, Mich., certain lands for park purposes."

Mr. WALTHALL. I move to amend the title further by striking out the word "War" and inserting "the Interior," so as to read "Secretary of the Interior." This is one of the abandoned reservations which as passed into the charge of the Interior Department.

Mr. CONGER. The ground covered by my amendment is still a light-house reservation, and is only granted temporarily, or as long as Congress may desire, for park purposes. I do not know why that change in the title should be made. However, if the Senator from Mississippi insists I do not care.

The PRESIDING OFFICER. The title will be reported as proposed to be amended.

The CHIEF CLERK. "A bill authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at said place, for educational purposes, and granting to the city of Marquette, Mich., certain lands for park purposes."

The PRESIDING OFFICER. The title will stand as reported, if there be no objection.

Mr. CONGER. I now ask for a committee of conference.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WALTHALL, Mr. CONGER, and Mr. TELLER were appointed.

#### GEORGIA STATE CLAIMS.

The bill (S. 2457) for the relief of the State of Georgia was announced as next in order.

Mr. LOGAN. I object to that bill.

The PRESIDING OFFICER. The bill is objected to and goes over.

#### COURTS IN EASTERN MICHIGAN.

The bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MISS EULA E. HENRY.

The bill (S. 2414) for the relief of Miss Eula E. Henry was considered as in Committee of the Whole. It authorizes the Postmaster-General in his discretion to credit the account of Miss Eula E. Henry, late postmaster at Centre Point, Ark., with \$202, lost by a robbery of the mails at or near Hope, Ark., on or about November 13, 1884.

Mr. BUTLER. If there is a report in that case let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. MAXEY May 19, 1886:

The Committee on Post-Offices and Post-Roads, to which was referred the bill (S. 2414) for the relief of Miss Eula E. Henry, respectfully submits the following report:

That Miss Henry was postmaster at Center Point, Howard County, Arkansas, prior to September 12, 1884, and has so been continuously from and since that date; that as such postmaster it was her duty to make remittances to the postmaster at Little Rock, Ark., of money collected for money-orders issued from her office.

It appears that she made the following remittances to the postmaster at Little Rock, to wit: 1884, September 12, in registered package 67, the sum of \$47; 1884, November 15, in registered package 45, the sum of \$10; 1884, November 22, in registered package 53, the sum of \$133; 1884, November 27, in registered package 56, the sum of \$12, making total \$202, all inclosed in official envelopes, and sealed in the presence of Alice Henry, and each package addressed to the postmaster at Little Rock, Ark., and in the presence of the same witness placed in the mail-sack for Nashville, Howard County, Arkansas, and in the presence of said witness delivered to the proper mail-carrier, and that she, the said postmaster, Eula E. Henry, in due time received from the postmaster at Nashville, Ark., a receipt for said registered package, but that she has never received a receipt therefor from the postmaster at Little Rock, Ark.

About the remittance there does not appear to be question by the Post-Office Department. The Assistant Attorney-General for the Post-Office Department, Edwin E. Bryant, esq., writes to Miss Henry, February 5, 1886, that she had not asked for credit for the above amounts within three months from the date of the loss, and that under the proviso to the act approved March 17, 1882, which requires the claim to be made within three months from the date of loss, the credit can not be given. It does appear, however, that on December 9, 1884, which was less than three months from the date of the first loss, she did notify the Superintendent of the Money-Order System of the loss of the remittances of November 15, 22, 27, 1884. The exact character of remittances is set forth of the above dates in the form prescribed by the Department.

In addition to the foregoing Miss Henry wrote to the Department December 6, 1884, notifying the Department of the robberies going on between her office and Little Rock, and requesting to be advised if she should still continue to remit to Little Rock. Replying to the letter of Mr. Bryant, that she had failed to formally advise the Department within three months of the loss, she says she was daily expecting discovery of the thief, and that she was young, inexperienced, and had no one to advise her. The fact that robbery of the mails in that vicinity about that time was largely carried on was developed before the committee in the case of Rosa Wallace, postmaster at Washington, Ark., who has been relieved of her losses at the present session.

The committee is of opinion that the transmission of the sums set forth and in due form has been fully proven, the loss has been fully proven, and the only

error of Miss Henry was the technical error of failing to report within three months, and that she satisfactorily accounts for the failure.

The object of the bill is simply to enable the Department to settle her accounts the same as if her report had been made within the three months, and this the committee believes equitable; wherefore the bill is reported back without amendment with recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSEPH H. MADDOX AND OTHERS.

The bill (S. 565) for the relief of Joseph H. Maddox and others was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. COCKRELL. Let it be passed over under the rule.

The PRESIDING OFFICER. The bill is objected to and goes over. Mr. GORMAN subsequently said: During my absence I understand that the bill (S. 565) for the relief of Joseph H. Maddox and others was reached on the Calendar and passed over. I ask leave to go back to that bill.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all matters in relation to the agreement of Joseph H. Maddox and his associates, made with the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, for the delivery of tobacco and other property, under the permit, safeguard, and orders of the President of the United States, shall be referred to the accounting officers of the Treasury Department for determination upon the evidence taken and now on file in the office of the clerk of the United States Court of Claims and the War Department; and directs the accounting officers of the Treasury to adjust, settle, and pay to Maddox the amount found to be due him, in his own right as well as assignee, on account of the loss and damage sustained by him and his associates by the seizures by the military forces of the United States of the tobacco purchased by them under their agreement, and which was actually taken and seized by the United States, by or under the orders of a military officer or officers, which amount shall not exceed the value of the tobacco at the time it was taken.

Mr. COCKRELL. In line 4, after the word "Maddox," I move to strike out the words "and his associates" and insert "Benjamin F. Camp and D. P. Parr, parties of the one part;" after the word "with," in the same line, to insert the words "H. A. Risley;" and in line 6, after the word "Treasury," to insert "dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864;" so as to make the first part of the bill read:

That all matters in relation to the agreement of Joseph H. Maddox, Benjamin F. Camp, and D. P. Parr, parties of the one part, made with H. A. Risley, the supervising agent of the Treasury, with the approval of the Secretary of the Treasury, dated November 13, 1864, and sanctioned by President Lincoln on November 17, 1864, for the delivery of tobacco and other property, &c.

Mr. McMILLAN. Does the bill authorize the payment of assigned claims to be paid the assignee? I think there is a statute preventing that.

Mr. COCKRELL. This is just the assignment of his copartners. This pays all to him.

Mr. MITCHELL, of Oregon. It is the assignment of a claim simply to one copartner.

Mr. LOGAN. I wish to know a little more about the bill.

Mr. MITCHELL, of Oregon. I can state all about it in a moment.

Mr. LOGAN. Just explain it.

Mr. MITCHELL, of Oregon. I will explain the matter to the Senator from Illinois. July 2, 1864, Congress passed an act empowering the President of the United States and the Secretary of the Treasury to authorize agents—

To purchase for the United States any products of States declared in insurrection at such places therein as shall be designated by him, at such price as shall be agreed on with the seller, not exceeding the market price thereof at the place of delivery, nor exceeding three-fourths of the market value thereof in the city of New York, at the latest quotations known to the agent purchasing.

In pursuance of the several provisions of the act a contract was entered into with Maddox, Parr, and Camp authorizing them to proceed South and purchase gold-bearing products in the insurrectionary States then engaged in rebellion. The object of the act evidently was to deprive those engaged in war against the Government of the sinews of war, gold-bearing products. The contract was entered into and was submitted to the Secretary of the Treasury, approved by him, and a subcontract was issued by the President of the United States, Mr. Lincoln, over his own signature, as follows:

#### EXECUTIVE MANSION, November 17, 1864.

An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the products above mentioned, and the parties having agreed to sell and deliver the same to the said agent, it is ordered that products moving in compliance with and for fulfillment of said contract, and being transported to said agent under his direction, shall be gns from seizure and detention by any officer of the Government; and commanders of military departments, districts, posts, and detachments, naval stations, gunboats, flotillas, and fleets will observe this order, and give the said B.

F. Camp, J. H. Maddox, and D. P. Parr, their agents and transports, free and unmolested passage, for the purpose of getting said products, or any part thereof, through the lines, and safe-conduct through our lines, excepting blockaded lines, while the same are moving, with strict compliance with regulations of the Secretary of the Treasury, and for the fulfillment of said contract with the agent of the Government.

ABRAHAM LINCOLN.

In pursuance of this contract, which was made with a special agent of the Treasury Department, Mr. Risley, approved by the Secretary of the Treasury, approved furthermore by the President of the United States, Mr. Lincoln, by the safe-conduct issued in pursuance of it, they went South and purchased an amount of tobacco for the purpose of bringing it to Norfolk, Va., to turn it over to the United States authorities. While in transit the property so purchased, and for which they paid their money, was captured, notwithstanding the safe-conduct, by the Federal troops. A portion of it was burnt. Of course no claim could be made properly for that, but so far as the property was taken by United States officers and devoted to the use of the United States Army a claim is made.

The bill simply authorizes the Secretary of the Treasury to investigate and find out what amount was so lost and to pay it. That is about the sum and substance of the bill.

Mr. LOGAN. The only object I had was to understand the proposition. I see the statement is made that it was a contract with Mr. Risley. It was a contract in what way? Was the Government purchasing tobacco? Did the Government purchase the tobacco, or were these people purchasing it for speculation?

Mr. MITCHELL, of Oregon. The Government was authorized by Congress to do this very thing, and the contract provided that the Government was to receive one-fourth and the parties purchasing the property three-fourths of the profits of the enterprise. This was authorized by a law of Congress.

Mr. LOGAN. I recollect very well that there was an order of the United States Government against paying for any commodities within the lines of the enemy in gold. I intend to understand this bill before it is passed, not that I am objecting to it, but I want to understand it and I want Senators to understand it. To say that it was a contract with the Government will not do. Parties went to the President of the United States under that law and asked permits to go and purchase property for themselves—tobacco, cotton, and sundry things. The permits were given, but the parties went on their own responsibility. They were merely permitted to pass through the lines and to have a safe-conduct and to pay in gold for these things.

By examining the law you will find that when the agents or other persons took possession of the cotton and abandoned property, the Government was entitled to one-fourth of the profits and they were entitled to the balance; but in regard to the purchase of this tobacco, when it is stated now at this late day that it was a contract with the Government to purchase tobacco for the Government, that can not be the fact; nor to purchase cotton for the Government. It could not be a contract of that kind; and to call merely a permit for a person to pass through the lines to purchase property for the purpose of speculating on it, a contract with the Government, is going further than I propose to allow the law to be construed, if I can help it, because I do not believe it.

So far as the tobacco is concerned and this man's rights, that is another thing, but I do not desire to sit here and allow the construction given so that hereafter every claim which can be possibly brought against the Government may be paid under one construction or another. One day we hear the construction given that if an Army officer entered a town with his army and issued a proclamation to the people that if they would only be quiet their property would be protected, they are entitled to damages for all the property which might have been destroyed in any way whatever, and that they shall be paid for it by the Government. That construction has been given here on the floor of the Senate.

That is not the law, and nobody ever thought of its being the law until within the last two or three months. Nobody ever before heard of such a construction given to the law, and there is no basis for it to be found anywhere on the face of God's earth in the laws of war. There never has been any such law, but it is coming to be so asserted now, and I do not desire to see it go any further.

I do not wish to discuss the proposition as to the rights of these people; they may have rights; but I do object to this being called a contract with the Government, where a permit was given to a man to pass through the lines for his own profit and gain, that therefore it is a contract with the Government and the Government is responsible for every dollar's worth of property that he purchased. Millions of dollars' worth of cotton were bought down in the South. I can give one instance, at Jackson, Tenn., where a man in Illinois had a permit to pass through the lines and purchase cotton. He purchased 300 bales of cotton and paid gold for it, and my troops burned every pound of it, and he has never asked to be paid, because I told him he could not get it; and he ought not to have it either. He took the risk when he passed through the lines and had the permit of the President. He took the risk of the fortunes of war and lost his property, and he is not entitled to have the Government pay for it.

A man who passed through the lines under a permit of the President

took the risk of the fortunes of war just the same as the man who was in arms against the Government. They stood upon the same basis precisely, and you will find no law regulating the principles governing warfare that will recognize such a man as standing in any other light; and when he passed through the lines on his own responsibility and has only protection for the property, it can not be claimed that the Government should be responsible for it if he loses it. In that way millions of dollars would be paid out of the Treasury.

This is the first case I ever heard of where one of the men passing through the lines with a permit and his property was destroyed is proposed to be paid by the Government for his property.

Mr. HOAR. Is there any proposition here to pay for the property?

Mr. LOGAN. What is the proposition then? I should like to know before the bill passes how much tobacco was taken by the Federal forces and what this man claims. Here is a claim, no estimate made, no account to refer to, nothing of that kind; and is he to be allowed to come in and prove anything he chooses to prove at this late day before the Court of Claims and get a judgment against the Government for it? Is that the argument? I say this is too loose a way of legislating in reference to property and in reference to values and in reference to money to be paid out of the Treasury.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOGAN. Very well. I am perfectly willing it should expire. I object to the case until I understand more about it.

The PRESIDING OFFICER. The Senator from Illinois objects, and the bill goes over.

SAMUEL NOBLE.

The bill (S. 2475) for the relief of Samuel Noble was announced as next in order.

Mr. COCKRELL. I wish to have the case reported back to Congress. I shall move to strike out the words "to render final judgment" and to insert "to report the same back to Congress," at the end of line 18. Instead of making it an ordinary case, let the court be required to report it back to Congress, as they have been doing in so many cases.

Mr. MITCHELL, of Oregon. I suggest to the Senator from Missouri that the facts in this case have already been passed upon by the Court of Claims after full investigation.

Mr. COCKRELL. Then why is it proposed to refer it back to the Court of Claims?

Mr. MITCHELL, of Oregon. The object of the bill is simply to remove the effect of the statute of limitations. That was the only question. That being the case, the committee thought that it would not be a matter of justice to this claimant to have the case come back to Congress again.

Mr. COCKRELL. Did the court in that investigation determine the amount? There was a great deal of difference in the value put upon cotton during the war. It ranged from \$1.25 down to 50 cents a pound.

Mr. MITCHELL, of Oregon. I do not think there was any question about the amount, but there was a technical reason why the court could not render a judgment in favor of the claimant. The matter was considered very carefully by the Committee on Claims. There was no dissenting opinion. It was the unanimous belief of the Committee on Claims that it was a case wherein the statute of limitations should be waived.

Mr. COCKRELL. Let the bill be passed over, and I will look into it.

Mr. MITCHELL, of Oregon. All right.

The PRESIDING OFFICER. Does the Senator from Missouri object?

Mr. COCKRELL. I ask that it be passed over under the rule on which we are acting. I shall object, if necessary.

Mr. MITCHELL, of Oregon. I will state that the case immediately preceding the case of Maddox, in which the Senator from Maryland [Mr. GORMAN] takes some interest, as he introduced the bill, is something of a very similar nature.

Mr. COCKRELL. I know that.

Mr. MITCHELL, of Oregon. I wish the Senator from Missouri would look into that case also.

The PRESIDING OFFICER. The bill will be passed over.

SOLDIERS' HOME BARRACKS.

The bill (H. R. 5401) making appropriations for additional barracks at the Southern, Northwestern, and Western Branches of the National Home for Disabled Volunteer Soldiers was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROADS IN MONTANA.

The bill (S. 2281) granting to railroads the right of way through the Indian reservation in Northern Montana was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, line 13, after the word "feet," to strike out the words "on each side of the central line of said road" and insert "in width;" and in line 19, after the word "amount," to strike out

the words "twenty acres" and insert "three hundred feet in width and three thousand feet in length;" so as to make the section read:

That the right of way through the Indian reservation in Northern Montana set apart for the use of the Gros Ventre, Piegan, Blood, Blackfeet, and other Indians, by act of Congress approved April 17, A. D. 1874, is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of 100 feet in width; also the right to take from the public lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

The amendments were agreed to.

Mr. DAWES. In section 1, line 6, "April 17" should be "April 15." The act referred to was approved April 15, 1874. I move that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 16th instant, approved and signed the following acts:

An act (S. 121) to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road;

An act (S. 2053) for the relief of Chester A. Arthur and William H. Robertson, late collectors of the customs of the district of the city of New York;

#### REMOVAL OF EASTERN CHEROKEES.

The bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory was considered as in Committee of the Whole. It proposes to appropriate \$20,000 to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove, to the Cherokee Nation, in the Indian Territory, at the rate of \$53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848.

Mr. COCKRELL. I should like to hear some report explaining that matter.

Mr. DAWES. This arises from a negotiation which has been going on by the Interior Department with the remnant of the Cherokees who still remain in North Carolina. Originally, in the early treaty of 1835, I think it was, it was provided that out of a certain fund which belonged to the Cherokees there should be paid \$53.33 to each one of the Cherokees of North Carolina who would remove and become a part of the Cherokee Nation.

For a long time that was done by individual Indians, and a good many years passed. Then after a while the sum so appropriated, it being supposed that no more of them would go, was set apart by an act of Congress for another beneficial purpose for the Indians in North Carolina. Since then the Indians in North Carolina have been more and more inclined to join their brethren in the Indian Territory, and now the Secretary of the Interior and the Indian Commissioner have an idea that they will get them all there. At any rate, there is quite a body of them ready to go now. They are entitled each one as fast as he shall go to the \$53.33.

It would not be necessary to have an act of Congress to authorize the payment of it had it not been that some time in the past, supposing that there would be no further use of that kind, the fund was set apart by an act of Congress for other beneficial purposes.

Mr. COCKRELL. This comes out of the Treasury? It does not come out of the Indian funds?

Mr. DAWES. No, it is a fund in the Treasury which belongs to the Indians. It is not United States money, but it has been by act of Congress taken under the possession of the United States, and the Government still holds it to be money belonging to those Cherokees.

Mr. COCKRELL. If you make it come out of the Indian fund and amend the bill so that it will come out of the Indian fund, it is all right; but if not, it is all wrong. I do not think that because about the year 1833 or 1835 we may have agreed to pay these Indians a certain amount if they would leave North Carolina and go over to the Indian Territory, they can be allowed to stay there and raise two or three generations and then all of them get \$53.33 apiece. I do not believe that any such contract or obligation exists, actual or implied.

Mr. DAWES. When we purchased of the Indians east of the Mississippi River their possessions, in our agreements, and the consideration which we pledged those Indians that we would pay them for that land, among other things was this sum of money.

Mr. COCKRELL. Is it a continuing contract, that they can stay there and raise three or four generations of children, and then all of them get \$53.33 a head?

Mr. DAWES. There was no limitation upon the time in which they should go. I have no question about the Senator's concurring in this measure if he will sit down and look at it.

Mr. COCKRELL. Let it come out of the Indian fund and it will be all right; I shall then have no objection to it at all; but I do not want it to come out of the Treasury, out of the tax-payers.

Mr. DAWES. I have no objection to such phraseology as the Senator suggests, except that the Treasury and the Interior Departments have framed the bill themselves to meet the accounts in the Treasury between them and the Cherokee Indians. I would consent to any change of phraseology that I knew would not thwart the whole measure.

Mr. COCKRELL. Let it read:

There is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior out of the funds of the said tribes.

Let them expend their own money in that way if they want to do so. Mr. DAWES. I have the message of the President on this subject, which I ask may be read.

Mr. COCKRELL. Read the whole document.

The PRESIDING OFFICER. The document will be read.

The Chief Clerk read Senate Executive Document No. 84, Forty-ninth Congress, first session, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of 52th ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill, recommended by the Commissioner of Indian Affairs, for the payment of money claimed under alleged existing treaty stipulations and laws by such Eastern Cherokee Indians as have removed or shall hereafter remove themselves to the Indian Territory. The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, March 2, 1886.

DEPARTMENT OF THE INTERIOR, Washington, February 25, 1886.

To the President:

I have the honor to submit herewith a draught of proposed legislation, prepared in the Office of Indian Affairs, entitled "A bill for the removal of the Eastern Cherokee Indians to the Indian Territory," for which purpose the sum of \$20,000 is estimated to be appropriated thereunder.

This bill provides for the payment not only of the expenses of removal of such of the said Indians as may desire to remove West, at the rate of \$53.33 each, but also for the payment of certain of the Eastern Cherokees who heretofore have so removed at their own expense, and who are entitled to reimbursement at the rate above stated for such expenses.

A copy of report of 20th instant from the Commissioner of Indian Affairs, transmitting the draught of bill to this Department, which recites the various provisions of the treaties and laws bearing upon the subject, together with a copy of the letter of the Cherokee attorney mentioned therein, is also herewith.

The Commissioner recommends the appropriation. I respectfully request that the matter may be presented to Congress for such action as that body may find to be right and proper.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. LAMAR, Secretary.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, February 20, 1886.

SIR: I have the honor to submit herewith a copy of a communication, dated Washington, D. C., January 20, 1886, from J. M. Bryan, attorney, inviting attention to certain claims of North Carolina Cherokees for removal and subsistence-money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., page 264).

By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., page 482), the United States agreed to remove these Indians west, the price for removal being fixed at \$20 and one year's subsistence at \$33.33 for each of such persons who might prefer to remove themselves.

By the third article of the supplementary treaty of March 1, 1836 (7 Stats., page 488), the sum of \$600,000 was allowed to the Cherokees in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

By the eleventh article of the treaty of August 6, 1846 (9 Stats., page 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds was submitted to the Senate for decision, as also the question if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than \$33.33 per head.

The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty, May 23, 1836, and the Secretary of the Treasury to set apart a sum equal to \$53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum on such per capita.

The fifth section provided for the payment of the \$53.33 for the removal and subsistence of such individual members as might thereafter desire to remove, upon their removal west, which amount was to be charged to the general Cherokee fund and reimbursed therefrom.

This fund, under the act of March 3, 1875 (18 Stats., 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum, and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as, with the interest annually accumulating thereon, shall amount to \$6,000.

In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal, as stipulated in the eighth article of their treaty of 1835.

I therefore respectfully recommend that Congress be requested to appropriate, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, to pay the cost of the removal and subsistence of those members of the tribe who have removed, as well as those who may now or hereafter desire to remove, at the rate of \$53.33 per head.

I inclose herewith a draught of a bill covering the amount required to carry out the objects specified.  
Very respectfully,

The Hon. SECRETARY OF THE INTERIOR. J. D. C. ATKINS, *Commissioner.*

A bill for the removal of the Eastern Cherokee Indians to the Indian Territory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the amount necessary to pay for the removal and subsistence of those members of the Eastern band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove, to the Cherokee Nation, in the Indian Territory, at the rate of \$53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848, there is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

WASHINGTON, D. C., January 20, 1886.

SIR: I respectfully beg leave to call your attention to a claim of North Carolina Cherokees, who removed from North Carolina to the Cherokee Nation, Indian Territory, about ten years ago.

The list of these claimants that I am representing is on file in the Indian Department, and every claim fully proven, as to number of persons and date of removal.

The claim is for their removal, and subsistence for one year.

Under Cherokee treaty of 1846, provision is made that all money due the Cherokees the United States Government agrees to pay 5 per cent. interest from the 12th of June, 1838.

Therefore we think it reasonable and just that these claimants should receive interest on the several sums due them from the date of their removal West, as it was their own funds placed in the hands of the United States Government for this special purpose, and to draw interest at the rate of 6 per cent. per annum.

It has been near nine years since these claims have been presented to the Government for payment.

I also submit a report from the Interior Department, dated February 10, 1885, for your information on these claims, and I respectfully ask that you will have their money appropriated and paid.

Very respectfully,

J. M. BRYAN,  
*For Claimants.*

Hon. J. D. C. ATKINS,  
*Commissioner Indian Affairs.*

Mr. COCKRELL. In line 14, after the word "necessary," I move to insert the words "out of the balance of the general Cherokee fund;" so as to read:

There is hereby appropriated the sum of \$20,000, or so much thereof as may be necessary, out of the balance of the general Cherokee fund, to be expended under the direction of the Secretary of the Interior.

Mr. DAWES. I suggest to the Senator that he refer to the statute of August 15, 1876, which seems to apply to the fund that was originally intended for this purpose. By the act of March 3, 1875, the fund was applied to the education, improvement, and civilization of these Indians.

Mr. COCKRELL. The act of August 15, 1876, is the right one. That is what covers the balance.

Mr. DAWES. You would refer to that, would you not?

Mr. COCKRELL. Yes. Let it read:

Out of the general Cherokee fund placed by the act of August 15, 1876, to their credit upon the books of the Treasury Department, and bearing interest at 5 per cent. per annum.

That will specify it.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. In line 14, after the word "necessary," it is proposed to insert:

Out of the balance of the general Cherokee fund placed by act of Congress of August 15, 1876, to their credit upon the books of the Treasury Department, and bearing interest at the rate of 5 per cent. per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAWES subsequently said: I move to reconsider the vote by which the Senate passed Order of Business 1362, being Senate bill 1799.

Mr. COCKRELL. I was just going to make that motion myself.

Mr. DAWES. I beg the Senator's pardon. Let the bill be reconsidered and go over.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to reconsider the vote by which the Senate passed the bill (S. 1799) for the removal of the Eastern Cherokee Indians to the Indian Territory.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] now objects to the consideration of the bill, and it goes over.

WILLIAM TALBERT.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 3475) for the relief of William Talbert; in which it requested the concurrence of the Senate.

Mr. JONES, of Arkansas. This morning the Senate passed a bill (S. 1554) for the relief of William Talbert, and I find a bill has since passed the House of Representatives almost literally in the same lan-

guage. I ask the unanimous consent of the Senate to have the House bill laid before the Senate by the presiding officer, and that it be considered in lieu of the Senate bill.

The PRESIDING OFFICER. If there be no objection the Chair will lay the bill before the Senate.

The bill (H. R. 3475) for the relief of William Talbert was read the first time by its title.

The PRESIDING OFFICER. The Senator from Arkansas asks the unanimous consent of the Senate to consider the bill at this time; is there objection? The Chair hears none.

Mr. COCKRELL. Let the bill be read.

The bill was read the second time at length, as follows:

*Be it enacted, &c.,* That the claim of William Talbert, of Montgomery County, Maryland, for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, with authority to take jurisdiction thereof, and to award judgment thereon, according to its value to the Government during the existence of said patent, on principles of equity and justice.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Arkansas. I move to amend the bill to make it conform strictly to the bill reported by the Senate committee by striking out the words "on principles of equity and justice" at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

Mr. LOGAN. It seems to me that under the bill, with that clause stricken out, the court would be compelled to give judgment for the claimant.

Mr. JONES, of Arkansas. No; the intention in striking out those words is simply to provide no new rule of trial; that it shall be tried as any other case to be tried in the court. The committee was under the impression that if the words "on the principles of equity and justice" were added to the bill, after provision for the trial, it might be held to suggest some new ground of trial, and not that it stand on its merits like any other case.

Mr. LOGAN. The court would have no power under the bill with that clause stricken out except to award a judgment against the Government in favor of the claimant. They would have no power to decide against him. They could only take jurisdiction for the purpose of awarding a judgment.

Mr. JONES, of Arkansas. I am willing that an amendment shall be made if the Senator thinks there is any doubt about it. I think the bill simply allows the court to take jurisdiction and decide the case. If the Senator prefers the language to remain in the bill as it came from the House, I really have no objection. I simply moved the amendment to make it conform to what was agreed upon by the Senate committee.

Mr. LOGAN. With that clause stricken out there is nothing in the bill except authority to the court to take jurisdiction and to award judgment against the Government. They would have no power under the bill to try the case and decide on the principles of equity as to whether the claimant is entitled to anything or not.

Mr. JONES, of Arkansas. I ask the Senator to suggest an amendment. I am perfectly willing to agree to it.

Mr. HARRISON. I suggest whether after striking out the words proposed by the Senator from Arkansas to follow the words "and award judgment thereon" by the words "for such amount as is found due, if anything," would not meet the view of the Senator from Illinois.

Mr. JONES, of Arkansas. I think that would be a proper amendment.

Mr. LOGAN. I suggest after "award judgment thereon" to insert the words "as the merits of the case may demand."

Mr. JONES, of Arkansas. I think that is right. I have no objection to that modification.

Mr. DOLPH. The bill seems to be a short one. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the bill as it will stand when amended as proposed.

The Secretary read as follows:

That the claim of William Talbert, of Montgomery County, Maryland, for the use by the Government of his patented improvement for marine railways, be, and the same is hereby, referred to the Court of Claims, with authority to take jurisdiction thereof and to award judgment thereon, as the merits of the case may demand according to its value to the Government during the existence of such patent.

Mr. LOGAN. Strike out the words "to award judgment" and insert the amendment as I have offered it, "according to the merits of the case," because the case may have merits or it may not have. That will carry with it the right to award judgment for the amount if there is any amount to be allowed.

The PRESIDING OFFICER. The bill will be so modified if there be no objection.

Mr. McMILLAN. Is there a report accompanying the Senate bill? If there is I should like to hear it read.

Mr. JONES, of Arkansas. There is a report.

Mr. McMILLAN. The bill seems to authorize a suit upon a claim and the entry of judgment, as I understand it, and it does not provide

for a report of the facts to Congress, as far as I see. If the report is not long I ask to have it read. Perhaps the Senator can state substantially the case and that will answer. All I want to know is what the general character of the claim is.

Mr. JONES, of Arkansas. The claimant in this case invented a contrivance by which ships at the navy-yard here could be docked, drawing a foot or two more of water than was possible without his contrivance. He applied for a patent on it, and before the patent was obtained in the exigency of the time the Secretary of the Navy put his invention in use, and the Government has used it for a great length of time without compensation, beginning the use before the patent was obtained. That, I think, is the ground on which the Government put its refusal to pay for the use of the patent. The Secretary of the Navy and other officers recommend the adjudication of the claim and that justice be done the claimant.

Mr. McMILLAN. Very well; that is a satisfactory explanation. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. JONES, of Arkansas. I move to reconsider the vote by which the Senate passed the bill (S. 1554) for the relief of William Talbert, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. The Chair hears no objection, and the vote is reconsidered. The bill will be postponed indefinitely.

#### AMENDMENT OF COPYRIGHT LAW.

The bill (S. 2496) to amend title 60, chapter 3, of the Revised Statutes of the United States was announced as next in order.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHACE] has charge of the bill and is absent. In his absence it is hardly worth while to read the bill and the report.

Mr. HARRISON. Let it go over. I make a formal objection.

Mr. ALDRICH. I ask that the bill may go over without prejudice.

Mr. HARRISON. It does; it goes over till to-morrow.

The PRESIDING OFFICER. The bill goes over.

#### BONDS OF EXECUTORS.

The bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that there is an amendment in manuscript which the Senator from Vermont [Mr. EDMUNDS] desires to have proposed to the bill.

Mr. HARRISON. I suggest that the bill had better go over, as neither the Senator from Tennessee [Mr. HARRIS] who reported the bill nor the Senator from Vermont is here.

The PRESIDING OFFICER. The bill will go over.

#### JOHN KOUNS.

The bill (S. 897) for the relief of John Kouns was the next in order.

Mr. DOLPH. The vote indefinitely postponing the bill was reconsidered for the purpose of withdrawing the papers from the files of the Senate. I renew the motion to indefinitely postpone the bill.

The motion was agreed to.

#### THEODORE W. TALLMADGE.

The bill (H. R. 1905) for the relief of Theodore W. Tallmadge was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 9, after the words "United States," to insert the words "subject to military bounty-land warrant location;" so as to make the bill read:

That the Secretary of the Interior of the United States be, and is hereby, authorized and directed to issue and deliver to Theodore W. Tallmadge land-scrip by which the said Theodore W. Tallmadge, or his assigns, upon the presentation thereof to the proper officers of the Land Department, shall be entitled to enter 160 acres of the surveyed public lands of the United States subject to military bounty-land warrant location, not mineral or otherwise appropriated, granted to him in lieu of bounty-land warrant numbered 69651, misappropriated by an employé of the United States land office at Stevens' Point, Wis.

Mr. LOGAN. All lands are subject to bounty-land warrant location.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### SALARIES OF REGISTERS AND RECEIVERS.

The bill (S. 2401) to classify and fix the salaries of registers and receivers of United States land offices was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 2, line 4, after the word "moneys," to strike out the remainder of the section in the following words:

And credited to the appropriation for incidental expenses of the several land offices.

So as to make the section read:

That all fees allowed by law to registers and receivers for reducing testimony to writing and for furnishing abstracts from their records and plats or diagrams of townships shall be deposited in the Treasury as public moneys.

Mr. HARRISON. If there is any member of the Committee on Public Lands present I should like to know generally whether the bill is an increase or a decrease of the salary and compensation.

Mr. DOLPH. The bill certainly does not increase the salaries. It substitutes a salary for fees. The salary is regulated by the amount of fees in the office. I think it will probably decrease the compensation, because it will be observed, for instance, that where the earnings are less than \$5,000 and more than \$4,000, then the salary shall be \$2,000.

Mr. LOGAN. Does the bill fix any salary?

Mr. DOLPH. No; it does not fix the salary for any given officer, but it regulates the amount of salary by the earnings of the office. Instead of allowing the officer to retain fees for compensation and a small salary, the fees are to be paid into the Treasury and the officer receives a salary to be fixed and determined by the amount of fees earned in the office.

Mr. WALTHALL. I will state to the Senator from Illinois that the Committee on Public Lands considered the matter, and the conclusion we all reached was that it would be a slight decrease in compensation.

Mr. HARRISON. That is satisfactory. I only wanted to know the general effect of it.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported from the Committee on Public Lands.

The amendment was agreed to.

The next amendment was, in section 3, line 3, after the word "Treasury," to strike out the remainder of the section, in the following words:

And be deemed an appropriation to pay for making such copies; and the Commissioner of the General Land Office shall be authorized to use any portion of this appropriation for piece-work, or for temporary clerk-hire by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding \$1,200 a year.

So as to make the section read:

That the moneys received at the General Land Office as fees for furnishing transcripts of records and plats shall be deposited in the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALTHALL. I desire to call attention to a clerical error in the title. The title reads "to classify and fix the salaries of registers and registers of the United States land offices." It should read "registers and receivers." I propose that the title be amended by striking out the word "registers" where it occurs the second time and inserting the word "receivers."

The PRESIDING OFFICER. That correction will be made in the title.

#### ANSON RUDD.

The bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to make, execute, and deliver all needful instruments conveying and transferring the right, title, and interest of the United States in and to a certain tract of land situate in the county of Fremont, Colorado, to Anson Rudd, being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ARMS AND STORES TO DAKOTA TERRITORY.

The bill (S. 2249) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

#### MARIA SYPHAX.

The bill (S. 2517) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax," was considered as in Committee of the Whole. It proposes to construe the act of June 12, 1866, entitled "An act for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, to operate as a relinquishment to Maria Syphax, her heirs or devisees, of any outstanding title to the land which the United States may have acquired since the date of that act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ADDITIONAL ASSISTANT ADJUTANT-GENERAL.

The bill (S. 2339) to provide for one additional assistant adjutant-general with the rank of major of cavalry, was considered as in Committee of the Whole.

The first section provides that the President, by and with the advice and consent of the Senate, may appoint one additional assistant adjutant-general of the Army with the rank of major of cavalry, who shall be entitled to all the benefits of the existing laws relating to officers of that grade in said corps.

Section 2 provides that after such appointment is made the number of assistant adjutant-generals with the rank of major of cavalry shall, when the first vacancy in that grade occurs, be reduced to thirteen, as now, and the additional office of that grade hereby created shall cease.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ARMS AND STORES TO OREGON AND WASHINGTON.

The bill (S. 2035) to authorize the Secretary of War to credit the State of Oregon with the sum of \$12,398.55 for ordnance and ordnance stores to be issued to the Territory of Washington on account of said State, in payment for ordnance and ordnance stores borrowed by said State of said Territory during the Nez Percé Indian war of 1877 and 1878, and for other purposes, was announced as next in order.

Mr. BUTLER. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

#### GENERAL AND LIEUTENANT-GENERAL.

The bill (S. 1964) to repeal a certain portion of section 1094 of the Revised Statutes of the United States was announced as next in order.

Mr. COCKRELL. Let that bill pass by until I can look at it. I have never seen the bill before and I want to look at it.

Mr. LOGAN. The Senator was in the committee when the bill was agreed to, after it was discussed. It has been only a short time ago.

Mr. COCKRELL. I will look at it.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### NEW WHARF AT FORTRESS MONROE.

The bill (S. 1148) providing for the construction of an iron pier at Fortress Monroe, Va., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in lines 3 and 4, after the word "dollars," to insert "or so much thereof as may be necessary;" in line 6, to strike out "an iron pier" and insert "a new wharf;" and after "Virginia," in line 8, to insert "upon plans to be approved by the Secretary of War;" so as to make the bill read:

*Be it enacted, &c.,* That the sum of \$150,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the construction of a new wharf, and improvements to the roadway leading thereto, on the Government reservation at Fortress Monroe, Va., upon plans to be approved by the Secretary of War.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion, the title was amended so as to read:

A bill providing for the construction of a new wharf at Fortress Monroe, Va.

#### ROAD TO CHALMETTE NATIONAL CEMETERY.

The bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish, was considered as in Committee of the Whole. It proposes to appropriate \$25,000, or so much thereof as may be necessary, for the purpose of constructing a macadamized road from the United States barracks in the parish of Saint Bernard, Louisiana, about 1½ miles, to the national military cemetery at Chalmette.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. WALTHALL] has submitted an amendment.

The amendment was, in section 1, line 7, after the word "road," to insert "or wagon roadway."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. EUSTIS. To make the title correspond with the body of the bill, I move to strike out the word "macadamized" from the title.

The PRESIDENT *pro tempore*. If there be no objection that change will be made and the original title amended by striking out "macadamized."

J. M'A. WEBSTER.

The bill (S. 1773) for the relief of Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army, was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, after the word "safe," in line 10, to strike out:

And for this loss the board of review finds that the commanding officer was partially responsible, for not providing a secure place in which to deposit the funds intrusted to the care of the quartermaster and commissary.

So as to make the bill read:

*Be it enacted, &c.,* That the Secretary of the Treasury be, and he is hereby, directed to pay Lieut. J. McA. Webster, of the Twenty-second Infantry, United States Army, who was quartermaster and commissary at Fort Lyon, Colo., in January, 1863, the sum of \$109.16, out of any moneys not otherwise appropriated, to reimburse him for a like amount stolen from him out of an insecure safe.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### K. G. BILLINGS.

The bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of K. G. Billings, of Lancaster County, South Carolina, formerly a soldier in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MEXICAN TREATY AWARDS.

The bill (S. 2207) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th of July, 1868," was announced as next in order.

Mr. COCKRELL. Let that be passed over. The Senator who reported it [Mr. EDMUNDS] is not here.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### LEAKAGE OF DISTILLED SPIRITS.

The bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, the sum of \$10,790.32; to Silas Q. Howe, surviving partner of William T. Pate & Co., the sum of \$19,662.19; to Henry W. Smith, surviving partner of F. & J. W. Gaff & Co., the sum of \$14,062.50, the same being due them for taxes paid upon distilled spirits lost by leakage while stored in a United States bonded warehouse, under the control and in the custody of the collector and inspector of internal revenue for their respective districts (the fifth district of Illinois and the third and fourth districts of Indiana), from July, 1864, to December 31, 1864.

Mr. CULLOM. This seems to be a pretty large sum of money. Is there any report connected with it? If there is I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. ALDRICH. I object to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

#### R. G. HUSTON & CO.

The bill (S. 2529) for the relief of R. G. Huston & Co. was announced as next in order.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

#### PROPOSED CONGRESS OF AMERICAN NATIONS.

Mr. FRYE. Order of Business 1100 was passed over on my objection. On consultation with some members of the Committee on Foreign Relations, I desire to withdraw the objection and ask that the bill may be considered now.

The PRESIDENT *pro tempore*. The Senator from Maine withdraws the objection made to the consideration of Order of Business No. 1100, and asks that the bill be now considered subject to the rule. Is there objection? The Chair hears none.

Mr. FRYE. I simply desire to say that I interposed an objection because there were two or three Senators who desired to make speeches in favor of this bill. One was the Senator from Alabama [Mr. MORGAN] and another the Senator from New York [Mr. EVARTS], but the session is getting so far along that the Committee on Foreign Relations deem it inadvisable to delay the bill, provided it can be passed now, and I presume there is no objection to it. It is the unanimous report of the Committee on Foreign Relations after very careful consideration.

The bill (S. 2362) to promote the political progress and commercial prosperity of the American nations was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### LEGAL REPRESENTATIVES OF JOHN WIGHTMAN.

The bill (S. 2530) for the relief of the legal representatives of John

Wightman, deceased, was considered as in Committee of the Whole. The claim of the legal representatives of John Wightman, deceased, for and on account of mail service rendered by him in carrying the United States mails on route No. 3413, from Pittsburgh to Erie, Pa., a distance of 133 miles, three times a week each way, from August 1, 1859, to and including June 30, 1860, at the rate of \$9,000 per annum for six times a week each way, is by the bill referred to the Court of Claims.

Mr. COCKRELL. I should like to hear some reason for that.

Mr. MITCHELL, of Oregon. The Committee on Claims had no trouble whatever with this case. The facts speak for themselves. The assignor of this party had a contract for the usual four years to carry the mails on the route between Erie and Pittsburgh, Pa., commencing in 1857. The contract was for six times a week each way, and the service was entered upon, running through a thickly settled portion of the country, through several shire towns. The session of Congress that ended March 4, 1859, failed to make appropriations for the postal service for the coming fiscal year. The result was that the Postmaster-General issued an order reducing the service on this route to three times a week, which raised of course a great commotion in that section of the country, as they had had a daily service for half a century before, and appeals were made to the Postmaster-General on the subject through Judge Church, I think, who came on as the representative of the people in regard to the matter. The result of the conference was this. The Postmaster-General said: "I have no money to pay you. I recognize the importance of the service; I will do this, provided the contractor is willing to take his chances, I will direct that the mails be delivered by the several postmasters along the route for six times a week service, and in that case you will perform the service and look to Congress for the pay. I have no money to pay you." He said he would do it.

In pursuance of that understanding the postmasters along the route at the different points delivered the mail to the contractor, Mr. Wightman, who was recognized as the contractor, and was the assignee of the original contractor, six times a week, and he performed the service for eleven months to the end of the contract term, but was only paid for performing the service three times a week. The Postmaster-General recommended to Congress in his annual report an appropriation to settle these matters. The appropriation has never been made, and the claimant now comes to Congress and asks to have the matter referred to the Court of Claims for the purpose of ascertaining whether he performed the service under this arrangement, and authorizing payment in case it was performed.

Mr. SAULSBURY. I should like to inquire whether this extra service was performed at the request of the Department or was it a voluntary service?

Mr. MITCHELL, of Oregon. It was approved by the Post-Office Department, and I may say authorized so far as the Department could authorize it, not having money at the time to pay for it. The Postmaster-General directed that the mail be delivered to the contractor six times a week during the term, and also recommended that Congress provide for the payment, but Congress has never done it. It is a very meritorious case in my opinion and in the opinion of every member of the committee.

Mr. SAULSBURY. Without knowing anything about the merits of the claim, I desire to say—

Mr. MITCHELL, of Oregon. It was not extra service, but simply carrying out the service according to the contract, but for which no appropriation was made by Congress. It was a contract made in pursuance of law for this service.

Mr. SAULSBURY. It was service supplementary and a service not authorized by the appropriation. If it is only proposed to refer it to the Court of Claims I shall not interpose any objection.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I want to add at the end of the bill:

Deducting therefrom the sum of \$375, one month's extra pay received by the claimant.

When this contract was declared forfeited by the Postmaster-General under the law he paid this man one-twelfth of \$4,500, a month's extra pay, and the claimant accepted that, and as a matter of course he must have that deducted from any compensation that he may receive under the contract.

Mr. MITCHELL, of Oregon. Certainly; but that is already allowed in this arrangement, as I understand.

Mr. COCKRELL. It is not authorized to be allowed here. There is no provision in this bill which would justify that to be allowed.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. It is proposed to add to the bill these words:

Deducting therefrom the sum of \$375, one month's extra pay received by the claimant.

Mr. MITCHELL, of Oregon. Of course there could not be any objection to the proposed amendment if it were necessary; but this bill, the Senator from Missouri will observe, simply provides that he shall be paid whatever he has not been paid at the contract price for six times a week.

Mr. COCKRELL. The \$375 was no part of the contract price. It

was a gratuity, that was paid to him in consequence of abrogating the contract, and there is nothing in this bill that would require a deduction of that. He would just make that much clear.

Mr. MITCHELL, of Oregon. If the Senator thinks that is necessary, I shall not object.

Mr. COCKRELL. Here is his receipt, and there is not a line in the bill that would authorize the court or the Treasury Department to deduct this sum.

Mr. MITCHELL, of Oregon. The court would certainly hold that he received that month's pay.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. SAULSBURY. I once examined this claim some years ago and reported against it. That was a claim which was to be paid to Mr. Wightman, and the committee came to the conclusion that this was a voluntary service with full knowledge and consent of the Post-Office Department; but the claim then was not proposed to be sent to the Court of Claims for adjustment, but he asked that Congress pay the amount. I think I made a report adverse to that; but this bill simply asks for the privilege of going to the Court of Claims to establish a claim, if he has one, and I do not think there is much objection to that with the provision inserted on the motion of the Senator from Missouri. Therefore I approve of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ARLANTA T. TAYLOR.

A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor was announced as next in order.

Mr. COCKRELL. Let that bill be passed over for the present.

The PRESIDENT *pro tempore*. The bill will be passed over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;

A bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Krop, deceased;

A bill (S. 365) for the relief of Martin L. Bundy;

A bill (S. 498) for the relief of George T. Dudley;

A bill (S. 579) granting a franking privilege to Julia D. Grant;

A bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth;

A bill (S. 2222) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie military reservations;

A bill (S. 2073) for the relief of the officers and crew of the light-house tender Lilly and the inspector of the fourteenth United States light-house district; and

Joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company.

PUBLIC-LAND LAWS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes; which was ordered to lie on the table and be printed.

ESTATE OF JOSEPH R. SHANNON.

The bill (S. 396) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier, was announced as next in order.

Mr. DOLPH. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. DOLPH. I withdraw my objection on a statement made to me by the Senator from Colorado [Mr. TELLER].

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. COCKRELL. There are some papers connected with this case which I desire to present to the Senate when it is brought up. I do not want to delay action on the case, but I want to have an opportunity of looking at the papers and hunting up an affidavit that was made by the claimant in his lifetime before another tribunal in order that I may present them. I do not think the Senate Committee on Claims has ever seen the affidavit that was made by this claimant in another suit, in which he described all the property and all the steamboats he ever owned, and left this out.

The PRESIDENT *pro tempore*. The bill will be passed over.

## MONUMENT AT STONY POINT, NEW YORK.

The joint resolution (S. R. 67) authorizing the Secretary of War to erect at Stony Point, New York, a monument was announced as next in order.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. The joint resolution will be passed over.

## ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the assignees and owners of letters patent numbered 101604, dated April 5, 1870 (antedated October 5, 1869), for an improvement in adhesive postal and revenue stamps, issued to Addison C. Fletcher and duly assigned, together with the right of recovery and compensation for the use thereof by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years 1868, 1869, 1870, 1871, and 1872.

Mr. COCKRELL. In line 17, before the word "use," I move to insert "alleged;" so as to read:

With the right of recovery and compensation for the alleged use thereof by the United States Government.

Mr. HOAR. It strikes me that the better policy would be to pay for the use, the actual use, and not for the use that was alleged. I will not object, however, if the Senator prefers to pay for what the man alleges the Government used.

Mr. COCKRELL. I do not know that we used it at all.

Mr. HOAR. The bill as drawn by the Senator from Connecticut [Mr. PLATT] only provides for ascertaining what the use actually was. The Senator proposes that the man shall get pay for what he alleges it was.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. COCKRELL. I find, beginning in line 32, this language:

To determine to what extent said stamp was manufactured and used by the Government, and a legal and equitable rate of compensation therefor; finally, to find the aggregate sum or sums to which the several claimants named in this act are equitably entitled as compensation for the use of said stamp, and to report their said findings to Congress.

This bill goes upon the theory that the Government used these stamps and that these parties are entitled to compensation for that use. The point I make is that I want that question determined by the court; and in order that I may have more time to look at it, I object to the further consideration of the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

## MAJ. JAMES BELGER.

The bill (S. 1580) for the relief of Maj. James Belger was announced as next in order.

Mr. COCKRELL. Let that pass over.

The PRESIDENT *pro tempore*. The bill will be passed over.

## CONFINEMENT OF INEBRIATES.

The bill (S. 2545) to provide for the confinement of inebriates in the Government Hospital for the Insane was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 3, after the word "oath," to insert "of either parent, brother, sister, son, daughter, or guardian, or commissioner, or justice of the peace of the District of Columbia;" and after the word "person," at the end of line 5, to insert "actually resident;" so as to read:

That whenever by petition, under oath, of either parent, brother, sister, son, daughter, or guardian, or commissioner, or justice of the peace of the District of Columbia, any person actually resident in the District of Columbia shall be alleged to be an habitual drunkard, incapable of taking care of himself or herself, or his or her property, the supreme court of said District, in special term, shall have the power, in its discretion, on such preliminary examination or inquiry as it may think proper to make *ex parte*, to issue a warrant to the marshal of the United States for the District of Columbia to arrest and bring the person so charged before such court.

The amendment was agreed to.

Mr. RIDDLEBERGER. Is that bill now on its passage?

The PRESIDENT *pro tempore*. It is now open to amendment. The amendments of the committee are being considered. The next amendment will be stated.

The next amendment of the Committee on the District of Columbia was, after the word "insane," in line 21, to insert:

When such petition is filed by any person other than a commissioner or justice of the peace, the court shall cause notice of the filing thereof to be given to the attorney of the United States for the District of Columbia, whose duty it shall be to attend such hearing in the public interest.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

*Provided*, That no person shall be admitted to said Hospital for the Insane

under the operations of this act who shall appear to the court on such hearing to have come to or have been brought into the District for the purpose of being admitted therein.

The amendment was agreed to.

Mr. HOAR. I see that this bill has very humane provisions so as not to prevent wounding the self-respect of the person charged more than is necessary by allowing the proceedings to be voluntary on his part in certain cases; and in accordance with that design I move an amendment, in line 11, after the words "*ex parte*," to insert "to issue an order of notice to such person to appear before said court, or in its discretion;" so as to read:

On such preliminary examination or inquiry as it may think proper to make *ex parte* to issue an order of notice to such person to appear before said court, or in its discretion to issue a warrant to the marshal of the United States for the District of Columbia to arrest and bring the person so charged before such court.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. RIDDLEBERGER. I was not in when the bill was called up. I was a member of the Committee on the District of Columbia when this bill was passed upon by that committee, and as the bill was passed upon at that time it provided for taking up anybody on the accusation of any number of people from a grandfather down to a mother-in-law, and confining him or her in what may be called a hospital, but I can not understand the distinction myself between a jail and a hospital if you are confined in it.

I opposed the bill in that committee, and I opposed it on the ground that the Constitution of the United States gives a man the right of trial by a jury of his peers before his body can be taken and confined, whether it be in a hospital or a jail.

Sir, this is a summary proceeding that I know meets a kind of ideal sentiment in the District of Columbia, to which I am at all times and under all circumstances unwilling to yield. I say, give the Constitution of the United States full application. Tell me what right you have to take up a drunkard on these streets and confine him without a trial by jury. If any Senator in this body owing somebody \$20 should be summoned to appear he would possibly plead that he could not be taken out of here on civil process, but at the same time he would plead what he would call his inalienable, his constitutional right of trial by jury.

Now, sir, I have objected to it until I have gotten sick; I have objected to all these innovations upon the fundamental principles of this Government until I have gotten tired.

This bill provides for nothing more or less than that you can take up an inebriate in the District of Columbia and that you can confine him in what you call a hospital, and I care not what name you have prefixed to it; it may be the Providence Hospital. It is made to conform to a sentiment that is neither honest nor manly. Why, sir, pass such a bill as that, and then take the Constitution of the United States and throw it out of the Senate and say there is no longer a right of trial by jury for any man. I say this bill is hypocrisy from beginning to end and if passed is the greatest innovation that has yet been made upon the right of trial by jury and I should despise myself as a lawyer if I should vote for it, or as a citizen if I should enforce it, or as an American if I should in any way sanction it.

Mr. HOAR. Does it not provide for trial by jury?

Mr. RIDDLEBERGER. No, sir, it does not provide for trial by jury; it provides for taking up the unfortunate on the street and gives to the judge a right to summon a jury, but the Constitution says there shall be a jury selected in a certain form, that they shall be chosen in a certain way, and the bill is an innovation upon that. It is a bill that is contrived by what is called now the local-option sentiment of this country; and while I can be a local optionist if I want to be, I yet refuse to let the local-option sentiment destroy the right of trial by jury given by the Constitution to every man charged with an offense.

The PRESIDENT *pro tempore*. It is the duty of the Chair to inform the Senator from Virginia that his five minutes are out.

Mr. RIDDLEBERGER. Is this bill under the five-minute rule?

The PRESIDENT *pro tempore*. It is.

Mr. RIDDLEBERGER. Then I object to its consideration to-day.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

## JOHN P. WALWORTH.

The bill (S. 2122) for the relief of John P. Walworth was considered as in Committee of the Whole. It proposes to pay to John P. Walworth \$2,820, being the proceeds of the sale of certain funds, to wit, \$4,700 in bank-notes of the issue of the Louisiana Bank of New Orleans, and which were in the month of August, 1863, on deposit in that bank to the credit of Walworth, and received from the bank by Col. S. B. Holabird, chief quartermaster at the post of New Orleans, by order of Major-General Banks, and sold, and the proceeds thereof, to wit, \$2,820, afterward covered into the Treasury of the United States.

Mr. LOGAN. Is there a report?

The PRESIDENT *pro tempore*. There is.

Mr. LOGAN. Let it be read.

Mr. JONES, of Arkansas. I will state for the information of the Senator from Illinois, if he will allow me, that this bill is for the relief of John P. Walworth, a citizen of Chicot County, Arkansas, whose loyalty is beyond any sort of question. He had on deposit in one of the banks in New Orleans \$4,700, and under General Order No. 202, issued by General Banks in 1863, the bank was required to turn this money over to the quartermaster.

Mr. LOGAN. That is enough. It was not the bank's funds?

Mr. JONES, of Arkansas. No, sir.

Mr. LOGAN. All right. I have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY GEE.

The bill (H. R. 248) for the relief of Henry Gee was considered as in Committee of the Whole. It proposes to authorize Henry Gee, of Florida, who, under the act of August 11, 1842, for his relief, made a void location, to make a relocation as provided by that act upon any unoccupied lands subject to homestead and pre-emption entry in the State of Florida.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. WHITE.

The bill (H. R. 5175) extending the provisions and benefits of the pre-emption law to John E. White was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MARTIN.

The bill (H. R. 1418) for the relief of Henry Martin was considered as in Committee of the Whole.

The Committee on Public Lands reported amendments, in line 4, after the word "representatives," to strike out "or assigns;" in the same line, after the word "select," to insert "within one year from the passage of this act;" in line 6, before the word "eighty," to insert "a tract of;" and after the word "character," in line 8, to strike out—

And in tracts not less than the subdivisions provided for in the United States land laws, and if unsurveyed when taken, to conform when surveyed to the general system of the United States land surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Martin, or his legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

So as to make the bill read:

*Be it enacted, etc.,* That Henry Martin, of Seward County, Nebraska, or his legal representatives, may select, within one year from the passage of this act, and shall be allowed a patent for a tract of 80 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, subject to entry, not mineral in character.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

E. REMINGTON & SONS.

The bill (S. 2533) for the relief of E. Remington & Sons was considered as in Committee of the Whole. It directs the Secretary of the Treasury to adjust the claims of E. Remington & Sons for drawback on arms exported by them in 1879 and 1880 without the filing of drawback entries thereof at the time of shipment.

Mr. COCKRELL. If there is any report there let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary proceeded to read the following report, submitted by Mr. MILLER June 1, 1886:

The Committee on Finance, to whom was referred a bill for the relief of E. Remington & Sons, having examined the same, submit the following report:

A bill (S. 1722) was reported favorably from the Senate Committee on Claims (Report No. 858, Forty-seventh Congress, first session). For the reasons set forth in that report, which is embodied herein, the committee recommend favorable action by the Senate.

[Senate Report No. 858, Forty-seventh Congress, first session.]

That E. Remington & Sons, of New York, as manufacturers of fire-arms, chiefly for export, prior to 1879, imported certain material for use and which was used in the manufacture of fire-arms. On this material they paid the proper customs duties. The fire-arms manufactured from this imported material were by them exported in 1879 and 1880, when they claimed the drawback duty allowed in such cases. The claim was rejected, for the reason that at the time of the exportation it was the rule of the Treasury Department that no drawback could be allowed under section 3019 of the Revised Statutes unless the materials entering into the manufacture of the merchandise were imported within three years from the date of exportation of the manufactured article. Remington & Sons, in consequence of this rule, filed no drawback entries. It was useless to do so. This ruling of the Treasury Department has since been declared illegal and void by the law officers of the Government, but the Department has not felt authorized to waive its general regulations limiting drawback to cases where proper entries had been made, and Remington & Sons therefore apply to Congress for relief.

The following letter of the Secretary of the Treasury to Hon. WARNER MILLER, under date of April 4, 1882, gives a correct statement of the case:

TREASURY DEPARTMENT, April 4, 1882.

SIR: I have received the letter of Messrs. E. Remington & Sons, which you re-

ferred to this Department, under the date of the 31st ultimo, in regard to their claim for drawback on certain arms exported by them.

The reasons why the claim was not paid in the regular manner were, first, that at the time of the exportation it was the rule of this Department that no drawback could be allowed under section 3019 of the Revised Statutes unless the materials entering into the manufacture of the merchandise were imported within three years from the date of exportation of the manufactured article, and second, that no drawback entries were filed in these particular cases, the parties alleging, and it is undoubtedly true, that the reason the drawback entries were not filed was that it seemed useless to file such entries in view of the rule, the materials having been imported more than three years. The rule was, however, subsequently revoked by an opinion of the Attorney-General; still, in the absence of the drawback entries, the Department did not feel authorized to waive its general regulations limiting drawback to cases where proper entries had been made.

I am informed that since the passage of the drawback law of 1861 it has been the unvarying rule of this Department to refuse allowance of drawback where entries for exportation were not filed, regardless of the reasons which led to the failure to file such entries. In the case of the Sone and Fleming Manufacturing Company, of the city of New York, a claim for drawback was rejected for the reason that drawback entries were not filed, the clerk of the company who was intrusted with the fees and the duty of making entries having stolen the fees and failed to perform his duty. A bill, No. 1982, was introduced in the third session of the Forty-sixth Congress for their relief, and it is understood is now before the Committee on Claims in the United States Senate.

It is suggested that the claim of Messrs. E. Remington & Sons, which is an equitable one, be incorporated in the bill for the relief of the Sone and Fleming Manufacturing Company. Messrs. Remington & Sons have been requested to furnish full details of the claims either to you or to this Department.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

HON. WARNER MILLER,  
*United States Senate.*

As shown by certificate of the collector of customs at New York, the drawback duty on the twenty-two export shipments made by Remington & Sons amounts to the sum of \$5,672.15, which amount, less 10 per cent., as provided by section 3019 of the United States Revised Statutes, should, in the opinion of your committee, be returned to E. Remington & Sons, who it appears failed and neglected to file the proper drawback entries in consequence of the foregoing erroneous ruling of the Department, which covered the case of the imported material used by them. In the opinion of your committee Messrs. E. Remington & Sons are entitled to the same relief which at the present session of Congress they have recommended in the case of the "Sone and Fleming Manufacturing Company." (See Report 177.)

The committee recommend the following amendments: Strike out the words "six thousand," in line 11 of the bill, and insert "five thousand six hundred and seventy-two fifteen one-hundredths;" and add at the end of line 12 the following, "less 10 per cent. thereof, as provided by section 3019 of the Revised Statutes;" and as thus amended they recommend the passage of the bill.

Mr. VAN WYCK. I would appeal to the Senator from Missouri to withdraw his call for the reading of the report, as no one is listening to it. It is only occupying time without benefit.

Mr. COCKRELL. It is not very long, and I might differ with the Senator as to whether it was of any use to read it or not.

Mr. VAN WYCK. Because no one was listening.

Mr. COCKRELL. The Senator may not have been listening to it, but I certainly think others were.

Mr. VAN WYCK. The gentleman who called for it was not.

The Secretary resumed and concluded the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURETIES OF CAPT. HOLLISTER E. GOODWIN.

The bill (H. R. 7773) for the relief of Capt. Hollister E. Goodwin and his sureties was considered as in Committee of the Whole. It proposes to release and discharge David S. Biggs and the heirs, next of kin, and personal representatives of Joseph Biggs from any and all liability or payment of money upon a bond executed in the year 1863 by Hollister E. Goodwin as principal and David S. Biggs and Joseph Biggs as sureties, conditioned as required by law for the performance by Goodwin of the duties of assistant quartermaster of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC PARK AT PAGOSA SPRINGS.

The bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was to strike out, in section 1, lines 27 and 28, as follows:

Forever reserved from sale and dedicated to public use as a park, to be hereafter known as Bruno Park.

And insert:

Granted to the State of Colorado for a public park, and the same shall be kept and maintained by said State for that use.

So as to read:

That the land beginning at a point on the left bank of the Rio San Juan where the north line of Hermosa street in the town-site of Pagosa Springs produced will intersect the same; thence running due east 80 chains; thence due south to a point due east of the corner to sections 24 and 25 of township 33 north, range 2 west; thence due west to said corner; thence north 89° and 45' west to the southeast corner of lot 2 of section 24; thence north to the northeast corner of lot 2; thence west to a point due south of the southwest corner of land belonging to the Pagosa Springs Company; thence due north to said corner; thence along the east boundary of said land, north 6' and 28' east, 2,654 1/2 feet; to the northeast corner; thence east 70 feet to the northwest corner of lot 10, block 31 of the survey of the town-site of Pagosa Springs; thence south 150 feet to the southwest corner of said block; thence east 500 feet to the southeast corner of said block; thence north 150 feet to the northeast corner of said block; thence eastwardly along the southerly side of San Juan street to its intersection with the left bank of the Rio San Juan; thence up said river, following its left bank, to the place of beginning, be, and the same is hereby, granted to the State

of Colorado for a public park, and the same shall be kept and maintained by said State for that use.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the land so reserved for a public park shall be under the control of the Secretary of the Interior, who shall provide for the survey of said park and marking the boundaries thereof; and he shall have power to provide for the preservation of the timber and for the protection of the natural curiosities contained in said park; and for that purpose he may appoint a superintendent to take charge of and exercise authority over said park, and who shall receive such annual compensation for such services as the Secretary of the Interior may determine; and such service may be terminated at any time the Secretary may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. B. WILSON.

The bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, was considered as in Committee of the Whole. It proposes to refund and pay to H. B. Wilson, administrator of the estate of William Tinder, deceased, \$5,000, in full satisfaction of the claim of the estate of Tinder for money paid upon a judgment of forfeiture upon a bond for the appearance of one Evans, who was charged with crime by indictment in the circuit court of the United States for the district of West Tennessee, and who was afterward captured by the administrator and returned to the custody of the court, and convicted and punished for the crime with which he was charged.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS M'BRIDE.

The bill (H. R. 4836) for the relief of Thomas McBride was considered as in Committee of the Whole. It proposes to pay to Thomas McBride \$1,000, in full compensation for the barge Henry Bartley, lost while under charter to the United States Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORVILLE HORWITZ.

The bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co., was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, in line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Orville Horwitz, assignee in trust of William Y. De Ford and George T. De Ford, copartners trading as C. D. De Ford & Co., the sum of \$4,653.75, or so much thereof as the said trustee shall prove to the satisfaction of the Commissioner of Internal Revenue that he or the said firm have expended in the purchase of revenue stamps used by him or them to stamp packages containing cigars upon which he or they shall prove to the satisfaction of said Commissioner that a tax had been previously paid under the revenue laws in force at the time of the manufacture and sale, but which were made liable to be stamped under the act of July 20, 1868.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INSPECTION OF EXPORTED MEATS, ETC.

The bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes, was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair will state that this bill is reported by the Senator from Vermont [Mr. EDMUNDS], and it is a bill reported unanimously from the Committee on Foreign Relations, and it was believed to be a matter of great public importance at this time, although it seems to be a long bill.

Mr. COCKRELL. Let us act upon the amendments as we go along.

The PRESIDENT *pro tempore*. The amendments will be acted on as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The bill was reported from the Committee on Foreign Relations with amendments, in section 5, line 15, after the word "this" to insert "and the next preceding section;" and in the same section, line 17, after the word "and," where it occurs the first time, to strike out "ninety" and insert "ninety-two;" so as to read:

The foregoing provisions of this and the next preceding section shall expire on the 4th day of March, A. D. 1892, and shall no longer be in force.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT.

Mr. CULLOM. It is getting late, and I move that the Senate do now adjourn.

Mr. HARRIS. I appeal to the Senator from Illinois, as this is perhaps the last day that we shall have during this session upon the Calendar under the present rule, that we devote the whole of this evening to acting upon the Calendar.

Mr. CULLOM. There is such a thing as working men to death. We are not tiring ourselves very much, but there are some officers of the Senate who have done a pretty hard day's work.

Mr. HARRIS. An hour longer will dispatch a great deal of business. It is the last day we shall have.

Mr. CULLOM. I withdraw the motion.

HOUSE BILL REFERRED.

The bill (H. R. 8974) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

LUCINDA M'GUIRE.

The bill (S. 2588) for the relief of Lucinda McGuire was announced as next in order.

Mr. LOGAN. Is there a report with that bill?

The Chief Clerk proceeded to read the report, submitted by Mr. FAIR June 2, 1886.

Mr. LOGAN. I will object to this without waiting to have the entire report read.

The PRESIDENT *pro tempore*. The bill will be passed over.

GEORGE T. NEWMAN.

The bill (S. 1513) for the relief of George T. Newman was considered as in Committee of the Whole. It provides for the payment to George T. Newman of \$935.37 for beef delivered at the Blackfoot agency in 1883.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AT SAINT LOUIS.

The bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo., was announced as next in order.

Mr. McMILLAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

OTOE AND MISSOURIA LANDS.

The bill (H. R. 7087) authorizing and directing the Secretary of the Interior to extend the time for the payment of the purchase-money on the sale of the reservation of the Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas, was considered as in Committee of the Whole.

Mr. DAWES. There is a long amendment reported, which I think it is not necessary to read, because I propose a substitute for it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts proposes a substitute for the amendment of the committee.

Mr. DAWES. The amendment is to strike out all after the enacting clause and insert, instead of the amendment reported by the committee, a shorter one that has been agreed on.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized and directed to extend the time of the payments of the purchase-money under the sales made under the two acts, one entitled "An act to provide for the sale of the remainder of the reservation of the confederate Otoe and Missouri tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881, the other entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," approved August 7, 1882, as follows: The time of each payment shall be extended two years beyond the time now fixed by law: *Provided*, That the interest now due on said payments shall be paid annually at the time said payments are now due: *Provided also*, That all persons who have settled or shall settle upon said Omaha lands and who have filed their declaratory statement, or who may make *bona fide* settlement, improvement, and filing prior to the date of the passage of this act and subsequent to the date authorized by proclamation of the President in pursuance of the act aforesaid for such settlement, filing, and improvement in all other respects, except as to time, in conformity with said act, may make the first payment as therein required two years from the date of the passage of this act, and the second payment one year thereafter, and the third payment two years thereafter, but the interest required thereon by law shall be paid annually on the date of the passage of this act: *Provided*, That all other provisions in the acts above mentioned, except as changed and modified by this act, shall remain in full force.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to. The amendment as amended is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. DAWES, the title was amended so as to read "A bill authorizing the Secretary of the Interior to extend the time of pay-

ment to purchasers of lands of the Otoe and Missouri and of the Omaha Indians."

#### KANSAS LAND-GRANT RAILROADS.

The bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, was announced as next in order.

Mr. HOAR. This case is one of the land bills which are to be taken up specially.

The PRESIDENT *pro tempore*. The bill will be passed over.

#### SAINT PATRICK'S CHURCH.

The bill (H. R. 5509) for the relief of Saint Patrick's church, in the city of Washington, D. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TAX ON BUSINESS OF REAL-ESTATE AGENTS.

The bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, which were, in line 8, after the word "seventy-one," to insert the words "requiring real-estate agents to pay \$25 annually, and in addition a monthly tax of one-fourth per cent. on gross receipts;" in line 13, after the word "commissions," to insert the words "in lieu of said monthly tax of one-fourth per cent. on gross receipts;" and in line 19, after the word "repealed," to insert the words "and from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of \$50 per annum, to be collected as other licenses are collected in said District."

So that the bill will read:

*Be it enacted, &c.*, That so much of clause 38 of section 21 of the act of the Legislative Assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, requiring real-estate agents to pay \$25 annually, and in addition a monthly tax of one-fourth per cent. on gross receipts, as amended by the act amendatory thereof, approved June 20, 1872, as requires real-estate agents in said District to pay a tax of 1 per cent. on their commissions in lieu of said monthly tax of one-fourth per cent. on gross receipts, and so much of section 15 of said act approved August 23, 1871, as requires said real-estate agents to give bond to said District, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed; and from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of \$50 per annum, to be collected as other licenses are collected in said District.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### SEAL ROCKS IN SAN FRANCISCO HARBOR.

The bill (S. 2428) to grant certain Seal Rocks to the city and county of San Francisco, State of California, in trust for the people of the United States, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, line 7, after the word "granted," to insert "subject to the provisions named;" so as to read:

That all the right and title of the United States in and to the rocky islets known as the Seal Rocks, and all rights to seals resorting there, situated off Point Lobos, in the city and county of San Francisco, State of California, are hereby granted, subject to the provisions named, in trust to said city and county, upon the following conditions and for the following uses, to wit: Said city and county shall hold said Seal Rocks inalienable for all time, in trust for the people of the United States, and shall commit to the commissioners of Golden Gate Park the custody and care of said Seal Rocks, and shall keep said rocks free from encroachment by man, and shall preserve from molestation the seals and other animals now accustomed to resort there, to the end that said Seal Rocks will continue to be a public preserve and resort for seals.

The amendment was agreed to.

The next amendment was, after the word "seals," at the end of line 16, to insert:

*Provided*, That the United States may at all times control and limit or diminish the number of the seals resorting to said rocks so as to protect the fisheries and fishing industries: *And provided further*, That whenever any of said rocks, or the space occupied by said rocks, shall be required by the United States for the erection or maintenance of any public work, or for any other purpose, then as to the rocks or space so required the provisions of this act shall terminate, and the United States shall be reinvested with the full title, control, and possession thereof.

The amendment was agreed to.

Mr. LOGAN. How are the United States to limit the seals or diminish them, I should like to inquire, except by killing them? Is that the idea?

Mr. BERRY. I did not hear the question of the Senator from Illinois.

Mr. LOGAN. There is a provision for limiting the number of the seals that make these rocks a resort. I ask what is the intention of the committee? How are they to be limited unless they are destroyed?

Mr. BERRY. We simply reserve the power to the Government to limit them if it shall be deemed important hereafter. That is a reser-

vation to the General Government, so that the city of San Francisco shall not destroy them; but the Government reserves the right and power to destroy them hereafter if it should be deemed necessary.

Mr. LOGAN. It is all right. I only wanted to know how they would be regulated.

Mr. BERRY. The bill was introduced by the senior Senator from California [Mr. STANFORD], who is not present.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RAILROAD MAIL SERVICE.

The bill (S. 2438) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement was announced as next in order.

Mr. HARRISON. That is a matter that I think had better go over. It is a general bill.

The PRESIDENT *pro tempore*. It will be passed over.

Mr. FRYE. Why should it go over?

Mr. HARRISON. The Senator who reported it is not here.

Mr. FRYE. He simply moved an amendment, which was rendered necessary by the action of the House of Representatives.

Mr. HARRISON. Relating to post-offices?

Mr. FRYE. Yes. I do not think there will be any objection to the bill as amended. It passed the Senate as reported originally.

Mr. HARRISON. Very well.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments, in line 6, before the word "than," to strike out "length," and after the word "than" to strike out "is prescribed by section 4004 of the Revised Statutes" and insert "40 feet in length;" so as to make the bill read:

*Be it enacted, &c.*, That the Postmaster-General be, and he is hereby, authorized to allow compensation to such railroad companies as had furnished apartments in cars for use as railway post-offices of less than 40 feet in length, in cases where such apartments had been furnished in pursuance of an agreement or understanding with the Postmaster-General, the Second Assistant Postmaster-General, or the Superintendent of the Railway Mail Service that special compensation should be allowed therefor; such allowances to be proportioned to the length of the apartments furnished, and not exceeding a pro rata of the price allowed for a 40-foot car, and for the time unpaid for up to the date when the company was notified by the Department that such payment could not be made because not warranted by the present law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### JOHN S. HALL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1232) granting an increase of pension to John S. Hale.

The Committee on Pensions reported amendments, in line 3, to strike out the name "Hale" and insert "Hall," and in line 5, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

*Be it enacted, &c.*, That the pension of John S. Hall, heretofore allowed by special act of Congress, be, and the same is hereby, increased to \$50 per month, for total blindness, to take effect from the passage of this act, and to be in lieu of all other pensions.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John S. Hall."

#### ADDITIONAL ASSISTANT SECRETARY OF THE TREASURY.

The bill (S. 2618) creating an additional Assistant Secretary of the Treasury was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HIRAM BERDAN.

The bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company, was announced as next in order.

Mr. COCKRELL. I should like to hear the report read in that case.

Mr. DOLPH. I object to it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Being objected to, the bill goes over.

#### ELIZA ELLEN EHLE.

The bill (S. 1775) for the relief of Eliza Ellen Ehle was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. MILLER. Can not the report be read?

Mr. COCKRELL. We shall have to discuss it. There are a great many bonds lost that we are called on to pay for. I had a case examined once and I examined the whole record in regard to the claims for lost bonds, and there are some very remarkable cases where the loss of bonds had been proved most conclusively and the bonds have since turned up, so that we must be guarded in the matter. There are a great many bonds in that condition.

Mr. MILLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his objection?

Mr. COCKRELL. I object.

The PRESIDING OFFICER. Then debate is out of order.

Mr. MILLER. There is a report in this case and a letter of the Secretary of the Treasury.

The PRESIDING OFFICER. The bill is objected to and has gone over.

#### SECOND LIEUTENANTS IN SIGNAL CORPS.

The bill (S. 2620) to repeal so much of the act of June 20, 1878, as provides for the appointment of second lieutenants in the Signal Corps was announced as next in order.

Mr. DOLPH. In that case there is a minority report; I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### ENGRAVING AND PRINTING.

Mr. HARRISON. The next case ought to go over.

The PRESIDING OFFICER. The next bill on the Calendar, being the bill (S. 2621) to limit the printing and engraving for the Geological Survey, the Coast and Geodetic Survey, the Hydrographic Office of the Navy Department, and the Signal Service, will be passed over.

#### RESTORATION OF PENSIONS.

The bill (S. 2482) to restore pensions in certain cases was considered as in Committee of the Whole. It provides that the "act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions all officers and enlisted men in the Army, and their widows and minor children.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SARAH E. BOULTER.

The bill (S. 2418) granting a pension to Sarah E. Boulter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah E. Boulter, widow of Joseph B. Boulter, late a sergeant of Company D, Fifth New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BETSEY A. SMITH.

The bill (S. 2002) granting a pension to Betsey A. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$16 per month, the name of Betsey A. Smith, widow of Mark W. Smith, late an ordnance-sergeant in the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MARIA WALKER.

The bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker was considered as in Committee of the Whole. It proposes to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, arrears of pension from the 4th of March, 1860, to March 9, 1878, at the rate of \$8 per month.

Mr. INGALLS. Does that allow arrears of pension? Let it be read again.

The PRESIDING OFFICER. The bill will be read again.

The Chief Clerk read the bill.

Mr. INGALLS. Let us hear the report in that case read.

Mr. BLAIR. Perhaps I can state it so as to satisfy the Senator.

Mr. INGALLS. Let the report be read.

Mr. BLAIR. This is a Revolutionary soldier's widow, the only one living in the country, down in Texas.

Mr. INGALLS. This gives arrears for eighteen years.

Mr. BLAIR. She lives down in Texas. Her pension was cut off when the rebellion broke out, and we did not pay her from 1860 to 1878. It is simply to give that widow of a Revolutionary soldier, she being over ninety years of age, her pension during that time.

Mr. COKE. I know the old lady; she lives in my town.

Mr. INGALLS. If the Senator from Texas knows her, it is evident the bill ought to pass; but I want to hear the report.

Mr. COKE. She is the widow of a Revolutionary soldier, ninety years old.

Mr. BLAIR. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR June 8, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6311) grant-

ing arrears of pension to Mrs. Maria Walker, have examined the same, and report:

Your committee append hereto the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1943), which contains a full statement of the facts, and recommend the passage of the bill:

Mrs. Maria Walker is the widow of John H. Walker, who was a private soldier in Captain Henry's company, Colonel Alexander's regiment, Georgia militia, in the war for American Independence. Mrs. Walker became his wife on March 14, 1815. Her husband died in 1836, and she has never remarried. Under the act of February 3, 1853, which provided for the pensioning of the widows of Revolutionary soldiers who were married after the year 1800, she was placed on the pension-roll from the date of that act, and continued to draw a pension up to March 4, 1860, at which time she was dropped from the rolls. She was restored to the rolls under the act of March 9, 1878, at the rate of \$8 per month.

Mrs. Walker has made several applications to the Pension Office to be allowed payment of her pension for the time during which she was suspended from the rolls, but is and has been unable to comply with the requirements of that office as to proof of loyalty to the United States during the period of the late civil war, as, being a native and always a resident of the South, she naturally sympathized with her people, to whom only, at her then advanced age, could she look for counsel and relief.

Mrs. Walker is now over ninety years of age, is in straitened circumstances, and largely dependent upon relatives and friends for a home and support, her only income being the \$8 per month she now receives since she was restored to the rolls.

Mrs. Walker is one of the very few, perhaps the only widow of a soldier of the Revolutionary war now living; and in view of the facts it would seem eminently proper for the American Congress to pay to this old lady the small sum which the bill will allow, and thereby place her for the remainder of her days, which must be very short at best, beyond the reach of want.

Your committee therefore recommend that the bill do pass, with the following amendment: Strike out all after the word "sixty," in line 7 of the bill, and insert the words "to March 9, 1878, at the rate of eight dollars per month."

Mr. VAN WYCK. When was she dropped from the roll?

Mr. BLAIR. In 1860, and restored in 1878.

Mr. VAN WYCK. Then I would suggest that the form of the bill be changed, and that she be restored to the roll from such a date. We can not at this juncture in the history of the legislation on this matter come in now and pass a special bill giving arrears of pension. That is a thing which ought never to be thought of.

Mr. BLAIR. To amend the bill would send it back to the House.

Mr. VAN WYCK. It will be competent to restore her to the pension-roll from that date or to increase her pension. Better by far do the latter than commence now and establish a precedent for paying arrears of pension. If we do, we shall never see the end of the applications. I will go as far as the Senator from Texas desires or as far as the Senator from New Hampshire in my support of a pension to this widow of a Revolutionary soldier to any extent.

Mr. COKE. The only objection to the Senator's suggestion is that there will be doubt about the action of the House.

Mr. VAN WYCK. We shall be here probably a month yet, and if there were only three days left there would be no difficulty in passing it in the House.

Mr. BLAIR. It does not occur to me that it would be an exhibition of very good sense on our part to change the form of the bill as it now is. It relates only to the widow of a Revolutionary soldier. There is no analogy between what is being done here and the ordinary payment of arrears of pensions.

This woman was a pensioner. She was dropped in 1860. She was restored by the action of the Department in 1878, and has been receiving her pension at the same rate ever since. This is a proposition simply to pay her the arrears between those two dates, which the Department has no authority to do, and I can not conceive that the bill can be put in any better form, if as good a form, as it now stands. As I was suggesting, a return of the bill to the House will simply delay it.

Mr. VAN WYCK. Then I will move as an amendment that she be restored to the pension-roll from the date she was dropped, but deducting what she has received.

Mr. COKE. The legal effect of the bill is just that.

Mr. VAN WYCK. Precisely; but I want to do it in a form which has been recognized. I have said that where persons have been improperly dropped and have been restored to the roll it has been the custom to restore them to the roll from the time they were dropped and to allow them to receive pay from the time they were dropped. That is far different from a bill which says on its face that it is for arrears of pension. I will propose an amendment—because I am with the Senator from Texas on the amount of money—that she be restored to the pension-roll from the time she was dropped.

Mr. INGALLS. I object to the consideration of this bill.

Mr. BLAIR. I move to proceed to its consideration.

Mr. INGALLS. The Senator from New Hampshire says, "Vote it down." He proposes to have no amendments adopted here. I object to the bill.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. VAN WYCK. I shall move an amendment in the morning.

Mr. BLAIR. I opposed action on the amendment. I think I had a right to do so without subjecting myself to the comments of the Senator from Kansas.

#### HENRIETTA M. DRUM HUNT.

The bill (S. 2435) granting a pension to Henrietta M. Drum Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an

amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta M. Drum Hunt, widow of the late Lieut. Henry J. Hunt, United States Navy, and pay her a pension of \$40 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOANNA W. TURNER.

The bill (S. 2176) granting a pension to Joanna W. Turner was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 7, before "dollars," to strike out "fifty" and insert "forty;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name Joanna W. Turner, a volunteer nurse in the Army during the late civil war, and pay her a pension of \$40 per month, in lieu of that which she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES B. ROYCE.

The bill (S. 2622) granting an increase of pension to James B. Royce was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James B. Royce, late a private in Company I, Seventh Regiment Vermont Volunteers, at the rate of \$40 a month, in lieu of the amount now received by him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES L. MILLER.

The bill (H. R. 8332) increasing the pension of James L. Miller was considered as in Committee of the Whole. It proposes to increase the pension of James L. Miller, late of Company C, First Kentucky Cavalry, to \$72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA L. PREUSS.

The bill (H. R. 921) granting a pension to Clara L. Preuss was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara L. Preuss, widow of Leopold B. Preuss, late captain of Company C, Fourth Regiment Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LETITIA J. GARRARD.

The bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Letitia J. Garrard, dependent mother of Daniel Garrard, late captain Company F, Twenty-second Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION AGAINST FIRE.

The bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PUBLIC BUILDING AT CONCORD, N. H.

The bill (S. 2240) to increase the appropriation for the erection of the public building at Concord, State of New Hampshire, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HANNIBAL, MO.

The bill (H. R. 7735) making an appropriation to complete the public building at Hannibal, Mo., in accordance with the original plan of the Supervising Architect of the Treasury, and to make the same fire-proof, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT ASHEVILLE.

The bill (H. R. 5546) for the erection of a public building at Asheville, N. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PEORIA.

The bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT SAVANNAH.

The bill (H. R. 5547) for the erection of a public building at Savannah, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT DULUTH.

The bill (H. R. 5550) to provide for the erection of a public building at Duluth, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT FRANKFORT.

The bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT KEOKUK.

The bill (H. R. 4498) authorizing an additional appropriation of \$25,000 for the court-house at Keokuk, Iowa, to make the same fire-proof, was considered as in Committee of the Whole.

Mr. FRYE. Was not this bill passed three years ago? I thought the Senator from Iowa called it up and had it passed.

Mr. WILSON, of Iowa. This is a House bill. I desire to offer two amendments to the bill. In line 5, I move to strike out "twenty-five," before "thousand," and insert "forty." I will send to the Secretary's desk a letter from the Secretary of the Treasury showing the necessity of this increase.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 5, before the word "thousand," it is proposed to strike out "twenty-five" and insert "forty;" so as to read:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the further and additional sum of \$40,000, or so much thereof as may be necessary.

Mr. HOAR. The chairman of the committee [Mr. MAHONEY], who reported the bill, is absent. I think it had better go over.

Mr. WILSON, of Iowa. The chairman of the committee informed me that if his attention had been called to the matter and these papers had been originally filed before the committee he would have reported the amendment I now propose.

The PRESIDING OFFICER. The letter will be read. ["Oh, no!"]

Mr. WILSON, of Iowa. If no one desires to have the letter read I shall not ask for its reading.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. WILSON, of Iowa. I move to amend, in line 6, by striking out all after the word "necessary" and inserting what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 6, after the word "necessary," it is proposed to strike out:

To construct and finish said building at Keokuk, Iowa, as a fire-proof building, in accordance with said plans and specifications in the office of the Supervising Architect.

And in lieu thereof to insert:

To enlarge and complete said building at Keokuk, Iowa, and to finish the same as a fire-proof building, the sum of \$140,000 to be the limit of the cost of said building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. The question is on agreeing to the preamble.

The preamble was agreed to.

Mr. WILSON, of Iowa. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

PUBLIC BUILDING AT EL PASO.

The bill (H. R. 6665) for the erection of a public building at El Paso, Tex., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PUBLIC BUILDING AT WILLIAMSPORT.

The bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa.," and making an additional appropriation therefor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, line 8, after the word "hundred," to insert "and twenty-five;" in line 10, before the word "thousand," to strike out "and twenty-five;" and in line 12, after the word "dollars," to insert "including site;" so as to make the section read:

"That the first section of the act entitled 'An act to provide a building for the use of the United States circuit and district courts of the United States, post-office, and other Government offices at Williamsport, Pa.," approved August 3, 1882, be, and the same is hereby, amended by substituting the words "two hundred and twenty-five thousand dollars" in the place of the words "one hundred thousand dollars;" so that the first section of said act, as amended, shall read as follows: "Shall not exceed the cost of \$225,000, including site."

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

Sec. 2. That the sum of \$50,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the purchase of additional grounds and for the prosecution of the work of construction and furnishing materials therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. In the absence of the Senator from Pennsylvania [Mr. CAMERON] I will take the liberty of moving that the Senate insist on its amendments and ask for a conference on this bill.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

## JOHN A. COAN.

The bill (H. R. 4412) for the relief of John A. Coan was considered as in Committee of the Whole. It proposes to pay to John A. Coan, of Lewis County, Kentucky, \$350, in full compensation for two horses, saddles, and bridles taken from him by the United States forces in Louisiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## STATE NATIONAL BANK OF LOUISIANA.

The bill (S. 710) for the relief of the State National Bank of Louisiana was considered as in Committee of the Whole. It proposes to refer to the Court of Claims the claim of the State National Bank of Louisiana for the payment of cotton belonging to that bank taken by the agents of the Treasury Department of the United States in the States of Louisiana and Arkansas after the 30th of June, 1865.

Mr. McMILLAN. Is there a report?

The PRESIDING OFFICER. There is a report. The report will be read if desired.

Mr. HARRISON. There is no request for the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## LEAVES OF ABSENCE TO NAVY-YARD EMPLOYÉS.

The bill (S. 2268) to grant leaves of absence to employés in United States navy-yards was announced as next in order.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. The bill is objected to, and goes over.

## LOTTERY CIRCULARS.

The bill (S. 2066) to amend section 3894 of the Revised Statutes of the United States, relating to the transmission through the mails of lottery, gift-enterprise, and other circulars, was announced as next in order.

Mr. GORMAN. Let that go over.

The PRESIDING OFFICER. Being objected to, the bill goes over.

## P. B. SINNOTT.

The bill (S. 2000) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment, to fill the blank in line 10 by inserting "\$1,565.14;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Treasury be, and he is hereby, directed to release P. B. Sinnott, late Indian agent at Grand Ronde agency, State of Oregon, and his sureties on his official bond, from a judgment recovered against them by the United States on such official bond, in the district court of the United States for the district of Oregon, on the 15th day of January, A. D. 1886, for the sum of \$1,565.14, and to cancel the same upon the payment by said Sinnott of the costs and disbursements of said suit.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## NAVAL CADET-ENGINEERS.

The next business in order was the joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions.

Mr. COCKRELL. Let that be passed over.

The PRESIDING OFFICER. Being objected to, the joint resolution goes over.

## E. J. NORTHCUTT &amp; BROTHERS.

The bill (S. 1340) for the relief of E. J. Northcutt & Brothers, for losses sustained by Indian depredations in Southern Oregon in 1855, was announced as next in order.

Mr. COCKRELL. Let that be passed.

The PRESIDING OFFICER. Being objected to, the bill goes over.

## ALFRED J. HILL.

The bill (H. R. 8651) increasing the pension of Alfred J. Hill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alfred J. Hill, late adjutant of the Third New Hampshire Regiment, at the rate of \$17 per month, in lieu of the sum now paid him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLARA B. DAVIDSON.

The bill (S. 2321) granting an increase of pension to Clara B. Davidson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara B. Davidson, widow of General John W. Davidson, United States Army, at \$50 per month, in lieu of the amount she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## GEORGE R. HOOPEE.

The bill (S. 1838) to increase the pension of George R. Hooper was considered as in Committee of the Whole. It proposes to increase the pension of George R. Hooper, late a private in Company K, Twelfth Regiment Massachusetts Volunteers, from \$50 to \$75 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## ANN LEDDY.

The bill (H. R. 4615) for the relief of Ann Leddy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann Leddy, of the city of New York, widow of Thomas Leddy, late a private in Company I, Seventeenth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## HELEN H. HARRELL.

The bill (S. 2569) granting a pension to Helen H. Harrell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Helen H. Harrell, widow of Abraham D. Harrell, late a captain in the United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CATHERINE E. COFFIN.

The bill (H. R. 1150) granting a pension to Catherine E. Coffin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine E. Coffin, widow of Charles P. Coffin, late a corporal of Company A, Nineteenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## A. B. NORTON.

The bill (S. 282) for the relief of A. B. Norton was considered as in Committee of the Whole. It proposes to pay to A. B. Norton \$1,853, being the amount paid by him involuntarily, under protest and moral duress, to the inspectors of the Post-Office Department, in 1877.

Mr. SPOONER. I move to amend in line 7, after the word "protest" by striking out the words "and moral duress;" so as to read:

Paid by him involuntarily, under protest, to the inspectors of the Post-Office Department.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

## LITTLE FALLS WATER-POWER.

The bill (H. R. 4063) to authorize the improvement of the water-power in the Mississippi River at Little Falls, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ELIAS B. MOORE.

The bill (H. R. 107) for the relief of Elias B. Moore was considered as in Committee of the Whole. It proposes to appropriate \$325 for the relief of Elias B. Moore, ex-postmaster of Fayetteville, Ark., that being the amount of postal stamps taken possession of by the United States Army in 1862, the value of which has been paid to the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## GRAFTON MONROE.

The bill (H. R. 5890) for the relief of Grafton Monroe was considered as in Committee of the Whole. It proposes to direct the Auditor of the Treasury for the Post-Office Department, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him in his accounts as such postmaster with \$4,315.13 for postage-stamps and money-order funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was to add at the end of section 1 the following:

*Provided*, That it shall be proven to the satisfaction of said Auditor that said postage-stamps and money-order funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the Auditor of the Treasury for the Post-Office Department be, and he is hereby, directed, in adjusting the accounts of Grafton Monroe, late postmaster at Annapolis, Md., to credit him, the said Grafton Monroe, in his accounts as such postmaster, with \$2,430, the same being for postal funds burglariously stolen from the post-office at Annapolis, Md., on the morning of February 4, 1884: *Provided*, That it shall be proven to the satisfaction of said Auditor that said postal funds were lost as aforesaid without fault or negligence upon the part of said postmaster.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GORMAN. I move that the Senate insist on its amendments and request a conference with the House of Representatives.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

## SUSAN A. WAMACK.

The bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased, was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to pay to Susan A. Wamack, of Morgan County, Kentucky, administratrix of the estate of Stephen M. Farish, deceased, \$159.29, for services as mail contractor in Kentucky from April 1, 1861, to October 7, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## E. J. PHILLIPS.

The bill (H. R. 5553) for the relief of E. J. Phillips was announced as the next bill in order.

Mr. COCKRELL. I thought we passed a general law which authorized the adjustment by the Post-Office Department of all such claims; and if this claim comes within the terms of that law, I must object.

Mr. HARRISON. I do not think that the law which was passed related to cases of burglary, but to losses by fire; did it not?

Mr. COCKRELL. No; it related to any kind of a loss where the postmaster was not in fault.

Mr. HARRISON. The amount of loss to be covered by the law I think was limited to \$300.

Mr. COCKRELL. No; it may have been limited to \$2,000.

The PRESIDING OFFICER. The clerks inform the Chair that it was limited to \$2,000.

Mr. COCKRELL. That is my recollection, and I do not think I am mistaken, for I have looked at it very often.

Mr. SAWYER. This bill is not on account of the postal funds, but money-orders and stamps. The payment is recommended by the Post-Office Department.

Mr. COCKRELL. All cases of loss of stamps are covered by the law.

Mr. SAWYER. But this is a larger amount than is covered by the law, I think the Senator will find by examining the report.

Mr. COCKRELL. I am certain the law authorizes the payment; but I could not find that the report referred to that question at all.

Mr. SAWYER. What is the amount in the bill?

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. COCKRELL. Let it be passed over until we can examine into it.

The PRESIDING OFFICER. Being objected to, the bill goes over.

## THOMAS SAMPSON.

The bill (H. R. 4139) for the relief of Thomas Sampson was announced as next in order.

Mr. GORMAN. Let that bill go over. The Senator from Pennsylvania [Mr. CAMERON] I know desires to be present when it is considered.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

Mr. McMILLAN. I think there is no objection to the bill. It was reported by the Senator from New York [Mr. MILLER] from the Committee on Commerce.

Mr. GORMAN. I understand that the Senator from Pennsylvania desires to be present when it is considered.

Mr. McMILLAN. I was not aware of that.

## PUBLIC-LAND LAWS.

The bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, was announced as next in order.

Mr. CULLOM. That bill has been before the Senate and is now pending as the unfinished business.

Mr. MITCHELL, of Oregon. Yes, it is the unfinished business at present.

The PRESIDING OFFICER. The bill will be passed over.

## WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in lines 7 and 8, to strike out "\$5,330.76, being" and insert "\$3,800, being a portion of;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to William R. Wheaton, register, and to Charles H. Chamberlain, ex-receiver of the land office at San Francisco, Cal., jointly, out of any money in the Treasury not otherwise appropriated, the sum of \$3,800, being a portion of the amount deposited in the Treasury of the United States by them as fees for testimony which was taken by clerks whose compensation was paid from the private funds of said register and said ex-receiver.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## FLORIDA TELEGRAPH LINE AND SIGNAL STATION.

The bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station, was considered as in Committee of the Whole. It proposes to appropriate \$17,000 for the construction of a military telegraph line on the eastern coast of the State of Florida from a point at or near Point Jupiter, Florida, to Sanford, Fla., and for the establishment of a station for the taking of meteorological observations and the display of storm-signals at Point Jupiter; the line and station to be constructed, maintained, and operated under the direction and control of the Secretary of War, in connection with the establishment of signal and display stations for the observation and report of storms for the benefit of commerce and agriculture.

Mr. CALL. In line 7, after the word "Florida," where it occurs the second time, I move to insert the words "or to the nearest point of railroad connection;" so as to read:

At or near Point Jupiter, Florida, to Sanford, Fla., or to the nearest point of railroad connection.

Mr. LOGAN. How did that bill come to be reported from the Committee on Commerce?

Mr. McMILLAN. It proposes to establish a signal station.

Mr. CALL. There will be no objection to this amendment. It is simply designed to shorten the line.

Mr. LOGAN. I understand that; but the bill ought to have gone to the Committee on Military Affairs.

Mr. McMILLAN. No; it is for the establishment of a signal station.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MRS. MARIA WALKER.

Mr. COKE. I ask that the objection be withdrawn to the bill (H.

R. 6311) granting arrears of pension to Mrs. Maria Walker in order that I may offer an amendment to the bill.

Mr. BLAIR. I should like to know what is proposed.

Mr. COKE. I propose to offer an amendment.

Mr. BLAIR. I object to the consideration of the proposed amendment.

The PRESIDING OFFICER. The Senator from New Hampshire objects to the consideration of the bill.

Mr. COKE. Does the Senator object?

Mr. BLAIR. I object to the consideration of the bill if it is proposed to amend it.

#### YOUNG MEN'S CHRISTIAN ASSOCIATION.

The bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation was announced as next in order on the Calendar.

Mr. RIDDLEBERGER. Does not that include all their property on New York avenue?

The PRESIDING OFFICER. It includes a lot on New York avenue.

Mr. RIDDLEBERGER. I see that the bill was reported from the Committee on the District of Columbia by the presiding officer of the Senate at this time, and it includes all the property of what is called the Young Men's Christian Association.

The PRESIDING OFFICER. If the Senator will hear the bill read he will understand exactly what it includes.

Mr. RIDDLEBERGER. I think I am right.

The PRESIDING OFFICER. The bill has not yet been read. The bill will be read if there is no objection.

The CHIEF CLERK. The Committee on the District of Columbia report to strike out all after the enacting clause of the bill and to insert:

That the property known as lot 3, square 222, being house numbered 1409 New York avenue, in Washington city, D. C., occupied by the Young Men's Christian Association of Washington, be, and the same is hereby, exempt from all taxation so long as the same is so occupied and used; and the taxes which have accrued and become due on and after July 1, 1884, be, and the same are hereby, released, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property from taxation.

Mr. RIDDLEBERGER. I object to that.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. RIDDLEBERGER subsequently said: I withdraw my objection to Senate bill 1188, having very great doubts about whether it is entirely correct.

The PRESIDING OFFICER. The objection is withdrawn. The substitute reported by the Committee on the District of Columbia has been read. The bill is before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MRS. MARIA WALKER.

Mr. COKE. I again ask that the objection to the consideration of the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker be withdrawn by the Senator from New Hampshire in order that I may propose an amendment, which I think will be satisfactory.

The PRESIDING OFFICER. The Senator from Texas asks the unanimous consent of the Senate to consider at this time the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. CULLOM. I hope the Senator from Texas will allow the Calendar to be finished and let that bill be passed over. There has been objection made to the bill, and it will lead to discussion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. COKE. I hope no objection will be made. The bill was passed over informally, and I simply ask the Senate to return to it.

Mr. CULLOM. Have the Senator from Texas and the other Senators who have been discussing it agreed upon an amendment?

Mr. COKE. I think there will be no trouble about it now.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? If not, the bill is before the Senate as in Committee of the Whole, and the Senator from Texas will suggest his amendment.

Mr. COKE. I submit an amendment to come in after the word "war," in line 5.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the word "war," in line 5, down to and including the word "month," at the end of the bill, and to insert:

The amount of money she would have received at \$8 per month had she not been dropped from the roll between the 4th of March, 1860, when she was dropped, and the 9th of March, 1878, when she was restored.

So as to read:

That the Secretary of the Interior be, and is hereby, authorized and directed to pay to Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, the amount of money she would have received at \$8 per month had

she not been dropped from the roll between the 4th of March, 1860, when she was dropped, and the 9th of March, 1878, when she was restored.

Mr. INGALLS. The words "had she not been dropped from the roll" are superfluous and might as well be omitted.

Mr. COKE. I doubt if they are superfluous. Still, I am entirely willing the words should be omitted if the Senator insists upon it. They can do no harm in the bill.

Mr. VAN WYCK. Let me suggest to the Senator that we pursue the course we have been in the habit of pursuing in phraseology. We have frequently restored to the rolls persons who had been dropped and given them pay from the date they were dropped. I suggest to the Senator the ordinary phraseology in those cases, "be directed to restore the name," inserting the name, "to the pension-roll from the date when her name was dropped therefrom at the rate of \$8 per month."

Mr. MAXEY. That is in the amendment.

Mr. VAN WYCK. I have no objection to the other amendment being embraced in the bill, but I should like to have this inserted. I ask the Chief Clerk to give me the name.

The CHIEF CLERK. "Mrs. Maria Walker."

Mr. COKE. The date is the 4th day of March, 1860.

Mr. CULLOM. I hope we shall go on with the other cases on the Calendar until the Senators agree upon an amendment to the bill.

Mr. COKE. I thought an amendment had been agreed on. I suppose it will be arranged in a moment.

Mr. INGALLS. I understood the Senator from New Hampshire [Mr. BLAIR] to object to the bill.

The PRESIDING OFFICER. The Chair put the question subsequently, and there was unanimous consent to its consideration. The bill is, however, subject to objection.

Mr. VAN WYCK. I propose to have the bill read:

Be directed to restore to the pension-roll the name of Maria Walker, from March 4, 1860, the date when her name was dropped therefrom—

Mr. LOGAN. If you stop right there you have got it all right.

Mr. VAN WYCK. No; because she has received a pension since March, 1878.

Mr. LOGAN. That does not make any difference.

Mr. VAN WYCK. And then I propose to add the words:

Deducting therefrom any money she has received since March 9, 1878.

The PRESIDING OFFICER. Does the Senator from Nebraska offer that amendment?

Mr. VAN WYCK. I offer that amendment.

Mr. COKE. Where does it come in?

The PRESIDING OFFICER. As a substitute for the amendment proposed by the Senator from Texas.

Mr. COKE. Then, in order to get the matter settled, I will accept the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Secretary will report the amendment just moved by the Senator from Texas.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of Mrs. Maria Walker, from March 4, 1860, the date when her name was dropped therefrom, at the rate of \$8 per month, deducting therefrom any money she has received since March 9, 1878.

Mr. LOGAN. The phrase "since that time" will cover it.

Mr. CULLOM. Is the bill subject to objection?

The PRESIDING OFFICER. The Senator from Texas has modified his amendment on the suggestion of the Senator from Nebraska.

Mr. HARRISON. I understand that under the amendment as it now stands this poor woman would get a pension for eighteen years paid to her and would have deducted from that all she has received in twenty years.

Mr. VAN WYCK. No; she will get her pension from 1860 to 1878, and the amendment merely deducts what she has received from 1878 to the present time.

Mr. COKE. Will the Senator from Nebraska—

Mr. HARRISON. I think the Senator had better object to it and let it go over until it can be settled.

Mr. VAN WYCK. The form in which the amendment is drawn is perfectly plain, and I trust there will be no objection to it.

Mr. McMILLAN. I ask that the bill be laid aside informally.

The PRESIDING OFFICER. The bill will be laid aside informally to be taken up again.

#### J. N. QUACKENBUSH.

The bill (S. 2661) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein was announced as next in order.

Mr. LOGAN. Let that be passed over. The Senator from Massachusetts [Mr. DAWES] who reported the bill is not here.

The PRESIDING OFFICER. The bill will be passed over.

#### LAFAYETTE FOWLER.

The bill (H. R. 8676) for the relief of Lafayette Fowler was considered as in Committee of the Whole. It proposes to remit to Lafayette Fowler, of Carroll County, Virginia, \$130.50, being the amount

of revenue tax imposed by law upon him for the manufacture of 145 gallons of distilled spirits which were destroyed by fire in his storehouse February 22, 1886, without fault or negligence on his part, and the interest and penalties imposed for the non-payment of the tax.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

T. H. TRIPLETT.

The bill (H. R. 279) for the relief of T. H. Triplett was considered as in Committee of the Whole. It proposes to credit T. H. Triplett, postmaster at Dalton, Ga., with \$120, the amount of postal funds forwarded by him for deposit and destroyed in transit by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH ROMISER.

The bill (H. R. 1059) to grant a pension to Joseph Romiser was considered as in Committee of the Whole. It proposes to place the name of Joseph Romiser, late of Capt. Frank Mason's company of Maryland Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TERRITORIAL LAWS.

The bill (H. R. 5179) to prohibit the passage of local or special laws in the Territories of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with amendments.

The first amendment was, in section 1, to strike out lines 21 and 22 in the following language:

Providing for the election of members of the board of supervisors in townships, incorporated towns, or cities.

The amendment was agreed to.

The next amendment was, in section 1, after line 22, to insert the following:

For the punishment of crimes or misdemeanors.  
For the assessment and collection of taxes for Territorial, county, township, or road purposes.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following language:

SEC. 2. That it shall be the duty of the Legislative Assemblies of the several Territories to pass such general laws as may be necessary for the government of their respective Territories on the subjects above mentioned, not inconsistent with acts of Congress or the Constitution of the United States.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

The amendment was agreed to.

The next amendment was, after section 2, to insert the following as an additional section:

SEC. 3. That no law of any Territorial Legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense.

The amendment was agreed to.

The next amendment was to insert as an additional section after section 3 the following:

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 2 per cent. on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void.

The amendment was agreed to.

The next amendment was to insert the following as section 5:

SEC. 5. That section 1889, title 23, of the Revised Statutes of the United States be amended to read as follows:

"The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, and for conducting the business of insurance, banks of discount and deposit (but not of issue), loan, trust, and guarantee associations, and for the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association."

The amendment was agreed to.

The next amendment was, to add as a new section:

SEC. 6. That nothing in this act contained shall be construed to abridge the power of Congress to annul any law passed by a Territorial Legislature, or to modify any existing law requiring in any case that the laws of any Territory shall be submitted to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to prohibit the passage of local or special laws in the Territories of the United States to limit Territorial indebtedness, and for other purposes."

Mr. HARRISON. I move that the Senate insist upon its amendment to this bill and ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

MRS. MARIA WALKER.

Mr. VAN WYCK. I now ask that House bill 6311 be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6311) granting arrears of pension to Mrs. Maria Walker.

Mr. VAN WYCK. I now move to amend by striking out all after the enacting clause of the bill and inserting:

That the Secretary of the Interior be, and hereby is, authorized and directed to restore to the pension-roll the name of Mrs. Maria Walker, widow of John H. Walker, a soldier of the Revolutionary war, from and after March 4, 1860, and pay her a pension therefrom, deducting any sums received since that date.

Mr. BLAIR. At what rate shall the pension be paid?

Mr. VAN WYCK. The legal rate.

Mr. BLAIR. That is quite indefinite.

Mr. VAN WYCK. That can be inserted, but there is only one rate for widows.

Mr. BLAIR. I do not raise any objection or make any suggestion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. INGALLS the title was amended so as to read: "A bill for the relief of Maria Walker."

Mr. COKE. I move that the Senate insist on its amendment and ask for a committee of conference.

The motion was agreed to; and by unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

#### SURVEY OF HISTORIC GROUNDS, ETC.

The bill (S. 1976) to provide for the survey of certain historic grounds, locations, and military marks was announced as next in order.

Mr. COCKRELL. I object.

The PRESIDING OFFICER. Objection being made the bill goes over.

#### ESTATE OF FRANCIS M. MURRAY.

The bill (S. 2117) for the relief of the estate of Francis M. Murray, deceased, was considered as in Committee of the Whole.

The Committee on Claims reported an amendment in line 7, after the words "sum of," to strike out "six hundred and fifty" and insert "three hundred and ninety;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Francis M. Murray, deceased, late of McCracken County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of \$390, for 1,300 bushels of stone-coal taken by and delivered to the steamboats White Cloud and Silver Moon, in the year 1863, at Paducah, in the State of Kentucky, said boats being at the time in the employment of the Navy Department of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RENT OF POST-OFFICE BUILDINGS.

The bill (S. 2646) authorizing the Postmaster-General to pay rent on certain buildings leased for post-offices was considered as in Committee of the Whole. It directs the Postmaster-General to pay the amount of rent, now due or to become due, on such buildings as have been formerly leased for use and are now used as post-offices, by contract, duly signed by the Postmaster-General, until the expiration of the leases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOAR. It appears on the Calendar that the bill was reported with an amendment.

The PRESIDING OFFICER. There is no amendment on the face of the bill. The Chair is informed that there is a mistake in the printing of the Calendar.

## EDWIN STEVENS.

The bill (H. R. 7809) for the relief of Edwin Stevens was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Edwin Stevens \$730, to indemnify him for certain expenses incurred and paid by him while acting as United States consul at Ningpo, China.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ADELICIA CHEATHAM.

The bill (S. 21) for the relief of Adelia Cheatham was announced as next in order.

Mr. LOGAN. Let that go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

## ELIZABETH SLENBAKER.

The bill (H. R. 2547) granting a pension to Elizabeth Slenbaker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Slenbaker, mother of Joseph Slenbaker, late of Company E, First Regiment Potomac Home Brigade Maryland Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## WILLIAM JUMPER.

The bill (S. 2010) granting a pension to William Jumper was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 7, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of William Jumper, late a private in Company A, Eleventh Indiana Cavalry, at the rate of \$8 per month, in lieu of the \$2 per month heretofore allowed him, as specified in pension-certificate 298771.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## FRANKLIN THOMPSON, ALIAS S. E. E. SEELYE.

The bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES M. BACON.

The bill (H. R. 3384) for the relief of James M. Bacon was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury in the settlement and adjustment of the accounts of James M. Bacon, late a lieutenant in the First Regiment Dakota Cavalry Volunteers, to allow credit for the disbursements of the public funds disbursed by him as acting assistant quartermaster on account of the expenses incurred by the Northwest Indian expedition in the months of July, August, September, October, and November, 1864, and for the disbursement of which proper vouchers were taken, but which were lost or destroyed through no fault or neglect of the officer, upon satisfactory evidence being furnished of the actual disbursements of the funds for the benefit of the public service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## NATIONAL CEMETERY AT KNOXVILLE.

The bill (H. R. 5866) to construct a road to the national cemetery at Knoxville, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in section 1, after the word "road," line 6, to strike out the following words:

Commencing on the southeast side of the national cemetery, on Broad street, at Knoxville, Tenn., where Holston street connects with said Broad street, and running with said Holston street to the line of Gray Cemetery, and thence with the line of and over said Holston street, with the lines of Gray Cemetery and the said national cemetery, to Munson street, at the northeast corner of the said national cemetery, and thence with the line of said national cemetery and over said Munson street to the Jacksborough road, at the northwest corner of said cemetery, and thence south with the line of said national cemetery and over the said Jacksborough road to the corner and opposite the line dividing the national cemetery and the said Gray cemetery grounds.

And in lieu thereof to insert:

From the intersection of Broad and Holston streets, thence along the line of Holston street to the intersection of said street with Munson street, at the northeast corner of the national cemetery at Knoxville, Tenn.

So as to read:

That the sum of \$6,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized road from the intersection of Broad and Holston streets, thence along the line of Holston street to the intersection of said street with Munson street, at the northeast corner of the national cemetery at Knoxville, Tenn.

The amendment was agreed to.

The next amendment was, in section 1, line 23, before the word "feet," to strike out "fifty" and insert "thirty;" so as to read:

*Provided*, That the right of way, not less than 33 feet in width, shall first be secured to the United States to any part of the ground over which said road shall run not now owned by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## MARY SPRAGUE.

The bill (H. R. 5715) granting a pension to Mary Sprague was announced as next in order.

Mr. COCKRELL. I object.

The PRESIDING OFFICER. The bill will be passed over.

## MRS. ANNIE S. WEBB.

The bill (H. R. 8142) granting a pension to Mrs. Annie S. Webb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Annie S. Webb, a volunteer nurse in the late war, at the rate of \$25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ARETUS F. LOOMIS.

The bill (H. R. 7018) granting a pension to Aretus F. Loomis was considered as in Committee of the Whole. It proposes to place the name of Aretus F. Loomis, late a private in Company K, One hundred and twenty-fifth New York Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JAMES JOHNSTON.

The bill (S. 2497) to increase the pension of James Johnston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Johnston, late first sergeant of Company C, Fifteenth Maine Volunteers, at the rate of \$30 per month, in lieu of the present pension which he now receives.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 18, 1886, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, June 17, 1886.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

## ACCOUNTS OF THE LATE SECRETARY OF ALASKA.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a letter from the late secretary of the Territory of Alaska and recommending an appropriation to pay him certain items disallowed in his accounts; which was referred to the Committee on Appropriations, and ordered to be printed.

## PENSION APPROPRIATION BILL.

The SPEAKER also laid before the House under the rule a bill of the House (H. R. 1501) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1887, and for other purposes, with amendments by the Senate; which was referred to the Committee on Appropriations, and ordered to be printed.

## SAMUEL F. RICE.

Mr. OATES. Mr. Speaker, I ask unanimous consent to take from the Private Calendar the bill (H. R. 8751) for the relief of Samuel F. Rice and put it upon its passage.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill indicated by him and that it be taken up for present consideration. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

*Be it enacted, &c.*, That the claim of Samuel F. Rice for a balance due him by the United States for his services as an attorney assisting in the prosecution of forty-two criminal cases in the circuit court of the United States for the middle district of Alabama, forty-one of which were against deputy marshals for alleged violation of section 5438 of the Revised Statutes of the United States, and the other for alleged perjury, be, and the same is hereby, referred, along with the letter of the Attorney-General of November 25, 1885, addressed to the Secretary of the Treasury, relating to said claim, and the papers therein referred to, to the Court of Claims, with full jurisdiction in said court to inquire and determine whether said services were worth more than the amount which has been paid on account of them, and, if so, how much more.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Committee on the Judiciary recommended an amendment striking out, in lines 17 and 18 of the bill, the words "and that said court report to Congress its determination in the premises" and inserting in lieu thereof the words "and the said court shall hear all legal evidence taken by deposition or orally as to the character and value of the services rendered by said Rice, and the contract, if any, under which the same were rendered; and if said court shall find from the evidence that said Rice is entitled to compensation in excess of the \$2,500 which he has received, said court shall report its finding and all the evidence in the cause to Congress."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ARMY APPROPRIATION BILL.

Mr. STEELE, from the Committee on Military Affairs, reported back the bill (H. R. 6395) making appropriations for the support of the Army for the fiscal year ending June 30, 1887, and for other purposes, with a recommendation that the amendments of the Senate thereto be non-concurred in, and that a committee of conference be requested on the disagreeing votes of the two Houses.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the managers on the part of the House at some time during the day.

T. J. PITZER.

Mr. TAULBEE. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 952) for the relief of T. J. Pitzer, and that the House now proceed to consider the same.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he hereby is, directed to pay to T. J. Pitzer, of Barboursville, Ky., out of any moneys in the Treasury not otherwise appropriated, the sum of \$400, for mules taken from him and used for the public service during the late civil war.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### PASSENGERS ON TOW-VESSLS.

Mr. DUNHAM. I ask unanimous consent that the amendments of the Senate to the bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews be non-concurred in, and that the House request a conference with the Senate on the disagreement.

There being no objection, it was ordered accordingly; and the Speaker announced the appointment of Mr. CRISP, Mr. CLARDY, and Mr. DUNHAM as conferees on the part of the House.

#### EDWARD G. PENDLETON.

Mr. BINGHAM. I ask unanimous consent to take from the Private Calendar and pass with the amendments reported by the Committee on Claims the bill (H. R. 7807) to muster Edward G. Pendleton, a captain of cavalry, into the service of the United States, and to pay him for his services from August 31, 1861, to July 10, 1864, inclusive.

The bill and amendments were read.

Mr. BLAND. I call for the regular order.

Mr. BINGHAM. I trust the gentleman will allow this bill to pass.

The SPEAKER. The regular order is demanded.

#### WOOL DUTIES.

Mr. McKINLEY. In pursuance of leave granted yesterday, I desire now to file the views of the minority of the Committee of Ways and Means on two resolutions, one for the restoration of the wool duties of 1867, and the other for retaining the present rates.

The SPEAKER. The views of the minority which the gentleman from Ohio now presents under leave of the House will be printed with the report of the majority of the committee.

#### CORRECTION.

Mr. LAIRD. Mr. Speaker, I desire to correct the RECORD of May 18. In the vote as published on page 4603, upon the passage of Senate bill No. 1405 in relation to the study of the nature of alcoholic drinks and narcotics in the public schools of the District of Columbia and the Territories, I am recorded as not having voted. As a fact I did vote, and upon inquiry of the Journal Clerk I find the Journal so shows. I desire the RECORD to show that I voted in favor of the passage of that bill.

The SPEAKER. The correction will be made.

#### WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers without leaving copies was granted in the following cases:

To Mr. PRICE, in the case of Thomas Cummings.

To Mr. HALSELL, in the case of William Watkins.

To Mr. O'NEILL, of Pennsylvania, in the case of H. R. 2678, first session Forty-eighth Congress, for the appointment of Dr. A. P. Frick an assistant surgeon in the United States Army.

#### REPORT ON FORFEITURE OF NORTHERN PACIFIC LAND GRANT.

The SPEAKER. The gentleman from California [Mr. HENLEY], on behalf of the Committee on Public Lands, asks that an order be made for reprinting a report the copies of which, as he states, have been exhausted. The Clerk will read the proposed resolution.

The Clerk read as follows:

*Resolved*, That the Public Printer be, and he is hereby, directed to print for the use of the House of Representatives 1,000 copies of the report of the Public Lands Committee on the forfeiture of the Northern Pacific land grant.

There being no objection, the resolution was considered and adopted.

#### CLAIMS.

The SPEAKER announced the appointment of Mr. SPRINGER, Mr. WARNER of Missouri, and Mr. BUCHANAN as conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims.

#### REPORT OF INTERNATIONAL POLAR EXPEDITION.

Mr. BARKSDALE. I send to the desk a privileged report from the Committee on Printing.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following concurrent resolution, have considered the same; and I am instructed to report it back to the House and recommend its passage. The cost is estimated at \$8,877.37:

*Resolved by the House of Representatives (the Senate concurring)*, That 4,500 copies, with the necessary illustrations, be printed of the report of the international polar expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer, 1,250 of which shall be for the use of the Senate, 3,250 for the use of the House of Representatives."

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FORFEITING IOWA LAND GRANTS.

Mr. COBB. I ask, by unanimous consent, to call up for consideration the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The SPEAKER. The bill will be read subject to objection.

The bill was read.

Mr. STRAIT. I object.

Mr. WEAVER, of Iowa. I hope it will be called up immediately after the morning hour.

#### CALL OF COMMITTEES.

The SPEAKER. The committees will now be called for reports for reference.

#### HENRY DURKEE.

Mr. WHEELER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8620) granting relief to Henry Durkee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### EMERY S. WARDWELL.

Mr. WHEELER, from the Committee on Military Affairs, also reported back with amendment the bill (H. R. 1028) for the relief of Emery S. Wardwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with accompanying report, ordered to be printed.

#### PROMOTIONS IN ARMY MEDICAL DEPARTMENT.

Mr. STEELE, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### APARTMENT SERVICE.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 8705) to authorize the Postmaster-General to allow compensation to railroad companies in certain cases for apartment service heretofore furnished pursuant to agreement; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### GEORGE MAXWELL, ETC.

Mr. SESSIONS, from the Committee on Indian Affairs, reported a bill (H. R. 9476) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman; which was read a first and second time, referred to

the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, STATESVILLE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 3578, a bill (H. R. 9477) for the erection of a public building at Statesville, N. C.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 3578) was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the following bills; which were referred as indicated:

The bill (H. R. 3328) for the relief of Matilda Stockdale—to the Committee on Claims.

The bill (H. R. 3910) for the relief of Elizabeth Ward—to the Committee on Pensions.

COL. CHARLES E. CAPEHART.

Mr. LOUITT, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE E. PRATT.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1326) granting a pension to Caroline E. Pratt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY C. SMITH.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1170) granting a pension to Nancy C. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DUFFY.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1930) granting a pension to John Duffy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. RANDLE.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (S. 1331) for the relief of William H. Randle, of Nashville, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLOMON DAVIS.

Mr. HOWARD, from the Committee on Claims, reported back favorably the bill (H. R. 3334) for the relief of Solomon Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. BERRY.

Mr. HOWARD, from the Committee on Claims, also reported back favorably the bill (H. R. 120) to refund the illegal revenue tax collected by James R. Berry as late auditor of the State of Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RICHARD H. PORTER AND JAMES PORTER.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with favorable recommendation the bill (S. 1368) for the relief of Richard H. Porter and James Porter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. SPRINGER, from the Committee on Claims, reported back bills of the following titles; which were referred to the Committee on War Claims, namely:

A bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; and

A bill (H. R. 9450) for the relief of George Hill, jr.

JOHN F. CADWALLADER.

Mr. SPRINGER, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2166) for the relief of John F. Cadwallader; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES HOLBROOK.

Mr. SPOONER, from the Committee on Accounts, reported back with a favorable recommendation a resolution of the House of May 3, 1886, providing for the payment of Charles Holbrook, a laborer in the

press gallery; which, with the accompanying report, was referred to the Committee on Appropriations.

ADVERSE REPORTS.

Mr. CALDWELL, from the Committee on Commerce, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 3748) to promote the efficiency of the Revenue-Marine Service; and

A bill (H. R. 5339) relating to the officers of the Revenue-Marine Service.

SESSION OF UTAH LEGISLATURE.

Mr. HILL. Mr. Speaker, I ask unanimous consent of the House to take from the Calendar for present consideration the bill (H. R. 9118) to provide for a session of the Utah Legislature.

This bill is in obedience to a message from the President of the United States, and I hope there will be no objection, in view of the exigencies of the case, to its present consideration.

Mr. SPRINGER. Permit me to say that there is urgent necessity for this measure to pass now. The charitable institutions of that Territory will be without money to pay expenses after the 30th of this month unless this bill shall pass. It is reported from the Committee on the Territories in obedience to a special recommendation from the President. The institutions for the deaf and dumb and other charitable institutions will be compelled to close for want of funds.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. REED, of Maine. I object.

Mr. SPRINGER. I hope the gentleman from Maine will not object. Let me state to him—

Mr. REED, of Maine. I think we had better have a private explanation some other time. There is no immediate urgency that I can see for this bill.

Mr. SPRINGER. It is recommended by the President, who has asked the passage of the bill in a special message; and, as I have said, the charitable institutions will have no money after the 1st of July, the Legislature having adjourned without making an appropriation.

The SPEAKER. There is objection to the request of the gentleman from Illinois.

ORDER OF BUSINESS.

Mr. COBB. Mr. Speaker, I move to go to the House Calendar for the purpose of taking up public-land forfeiture bills for present consideration.

Mr. HISCOCK. Mr. Speaker, there has been an understanding that to-day a motion would be made to go into Committee of the Whole for the consideration of the tariff bill. I would like to inquire of the gentleman from Illinois at what time it is intended to make that motion, in order that the House may be advised of the fact.

Mr. MORRISON. At half past 1 o'clock to-day, with the consent of the House.

The question being taken on the motion of Mr. COBB, the House divided; and there were—ayes 129, noes 9.

Mr. STRAIT. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. STRAIT and Mr. COBB were appointed tellers.

The House again divided; and the tellers reported—ayes 185, noes none.

So the motion was agreed to.

The SPEAKER. The Clerk will report the first bill on the Calendar.

SOUTHERN PACIFIC RAILROAD LANDS.

The first business on the House Calendar from the Committee on the Public Lands was the bill (H. R. 5883) forfeiting certain lands granted to the Southern Pacific Railroad Company (of California) by section 18 of the act of Congress approved January 27, A. D. 1866.

Mr. COBB. I move that this bill be laid aside, and I do this by consent of the gentleman in charge of it, who is not present.

Mr. STRAIT. I object.

Mr. PAYSON. I wish to make a parliamentary inquiry. If the gentleman having charge of the bill, as I understand Mr. Henley, of California, desires it to be laid aside, may it not be done?

The SPEAKER. It may be consent or by a vote of the House, or the House may refuse to consider it altogether.

Mr. PAYSON. I understand my colleague, the chairman of the committee, has indicated that the gentleman from California is willing to postpone its consideration.

The SPEAKER. But the gentleman from Minnesota objects.

Mr. PAYSON. Then I move that the consideration of the bill be postponed.

Mr. DAVIDSON, of Florida. I would ask if the general order in relation to the consideration of these land-grant-forfeiture bills does not

provide that they shall be taken up and considered in the order in which they appear on the Calendar.

The SPEAKER. That is correct; but the House may refuse to consider any one of them and proceed to another. It is entirely in the control of the House.

The question being taken on the motion of Mr. PAYSON, it was agreed to.

So the House refused to consider the bill.

#### ONTONAGON RAILROAD LAND GRANT.

The next business on the House Calendar was the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Mr. PAYSON. I have charge of that bill and move to postpone its present consideration. I object to its consideration now.

The SPEAKER. Will the House proceed to the consideration of the bill?

The question being taken, there were on a division—ayes 23, noes 121.

Mr. GUENTHER. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. GUENTHER and Mr. COBB were appointed tellers.

The House again divided; and the tellers reported—ayes 1, noes 162.

So the House refused to consider the bill.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the next land-grant-forfeiture bill on the House Calendar, as follows:

A bill (H. R. 6658) to declare forfeited certain lands granted to aid in the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad, in California.

Mr. PAYSON. I object to the consideration of that bill.

The SPEAKER. The question is, Will the House now proceed to consider the bill the title of which has just been read?

The question being taken, the Speaker stated that the noes seemed to have it.

Mr. THOMAS, of Wisconsin. I call for a division.

The House divided; and there were—ayes 8, noes 140.

Mr. THOMAS, of Wisconsin. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Wisconsin [Mr. THOMAS] and the gentleman from Indiana [Mr. COBB].

Mr. WEAVER, of Iowa. Would it be proper to ask unanimous consent that some one would announce what we are trying to do, that we may all understand it? I ask unanimous consent that the gentleman from Illinois [Mr. PAYSON] may be allowed to make a brief statement.

Mr. PAYSON. If I may have the consent of the House I will make a short statement.

Mr. STRAIT, and Mr. THOMAS, of Wisconsin, objected.

Mr. WEAVER, of Iowa. We are trying to pass over a few bills in order to reach the Sioux City and Saint Paul Railroad land-grant-forfeiture bill.

The SPEAKER. The tellers will resume the count.

The count was completed; and the tellers reported—ayes 2, noes 161.

So the House refused to consider the bill.

The Clerk commenced to read the title of the next forfeiture bill on the House Calendar, the bill H. R. 6659.

Mr. LA FOLLETTE. I move that the House take a recess until half past 1 o'clock.

The House divided; and the Speaker stated that the "noes" seemed to have it.

Mr. LA FOLLETTE. I call for a division.

The House again divided; and there were—ayes 11, noes 154.

So the motion that the House take a recess was not agreed to.

The Clerk again commenced to read the title of the bill H. R. 6659.

Mr. STRAIT. I move that the House do now adjourn.

The question was taken; and there were—ayes 5, noes 98.

So the House refused to adjourn.

The Clerk read the title of the bill H. R. 6659, as follows:

To declare forfeited certain lands granted to aid in the construction of a railroad from the Central Pacific Railroad, in California, to Portland, in Oregon.

Mr. HENLEY. Pursuant to a programme agreed upon by the Public Lands Committee this morning, I object to the consideration of that bill.

The question being taken on considering the bill, there were—ayes 13, noes 134.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Illinois, Mr. PAYSON, and the gentleman from Minnesota, Mr. STRAIT.

The House again divided; and the tellers reported—ay 1, noes 162.

So the House refused to consider the bill.

The Clerk commenced to read the title of the bill H. R. 147, the next forfeiture bill on the House Calendar.

Mr. STRAIT (at 12 o'clock and 55 minutes p. m.). I move that the House take a recess until half past 1 o'clock p. m.

The question was taken; and there were—ayes 6, noes 107.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Minnesota, Mr. STRAIT, and the gentleman from Illinois, Mr. PAYSON.

The House again divided; and the tellers reported—ay 1, noes 102.

So the House refused to take a recess.

Mr. STRAIT. I move that when the House adjourns to-day it be to meet on Saturday next.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. STRAIT. I call for a division.

The House divided; and there were—ayes 7, noes 74.

Mr. STRAIT. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Minnesota, Mr. STRAIT, and the gentleman from Illinois, Mr. PAYSON.

Before the tellers had completed the count,

Mr. THOMAS, of Wisconsin, said: May I ask unanimous consent to make a statement which it seems to me may settle this matter?

The SPEAKER. The gentleman from Wisconsin [Mr. THOMAS] asks unanimous consent to make a brief statement. Is there objection? There was no objection.

Mr. THOMAS, of Wisconsin. We have no objection, Mr. Speaker, to the portion of the bill which forfeits the land grant to the Sioux City and Saint Paul Railroad Company; but we have been taken by surprise somewhat by an intimation—

Mr. STEELE. I call for the regular order.

Mr. DUNHAM. The gentleman from Wisconsin had unanimous consent to make a statement.

The SPEAKER. The gentleman asked unanimous consent to make a brief statement, and there was no objection.

Mr. STEELE. I object.

Mr. DUNHAM. The objection is too late.

Mr. WEAVER, of Iowa. If the gentleman does not want to make a speech I think there will be no objection to his proceeding.

Mr. THOMAS, of Wisconsin. I do not want to make a speech. I wish merely to submit a proposition, and I understood I had unanimous consent to do so.

The SPEAKER. The gentleman will state his proposition.

Mr. THOMAS, of Wisconsin. There is a clause in this bill which we have been informed it is proposed to strike out. It has been adopted as a part of the bill in the report of the committee. Consequently we are taken by surprise. I wish to read that clause, and if gentlemen will consent that that clause shall go in the bill as it came from the Senate and as the Committee on Public Lands have reported the bill we have no objection, and are willing it shall be considered at a session of the House next Tuesday evening.

Mr. COBB. We can not agree to that.

Mr. THOMAS, of Wisconsin. We are ready to meet the effort to amend the bill if we can have ample time to present fully to the House the questions and equities involved.

Mr. STEELE. I call for the regular order.

Mr. WEAVER, of Iowa. We can not allow that four men shall control the House.

Mr. SPEAKER. The tellers will resume the count.

#### TARIFF.

Mr. MORRISON (at half past 1 o'clock p. m.). The hour has arrived at which, by unanimous consent, it was understood I was to be allowed to make another motion.

The SPEAKER. There is a motion pending, made by the gentleman from Minnesota [Mr. STRAIT], that when the House adjourns to-day it be to meet on Saturday next.

Mr. STRAIT. I withdraw that motion in order that the gentleman from Illinois [Mr. MORRISON] may proceed to call up the tariff bill.

Mr. MORRISON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider revenue bills; and on that motion I demand the previous question.

Mr. SPRIGGS. I call for the yeas and nays.

Mr. MORRISON. I will withdraw the demand for the previous question and ask for the yeas and nays.

Mr. MCKINLEY. In the confusion the motion of the gentleman from Illinois was not distinctly understood on this side. Is the motion to go into the Committee of the Whole House on the state of the Union to consider the general tariff bill reported by the Committee on Ways and Means?

Mr. MORRISON. That is the object of the motion.

Mr. MCKINLEY. We join in requesting the yeas and nays.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue, and upon that motion the gentleman demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 157, not voting 27; as follows:

## YEAS—140.

Adams, J. J.	Daniel,	Laffoon,	Scott,
Allen, J. M.	Dargan,	Landes,	Seymour,
Anderson, C. M.	Davidson, A. C.	Lanham,	Shaw,
Ballentine,	Davidson, R. H. M.	Lore,	Singleton,
Barbour,	Dawson,	Loving,	Skinner,
Barksdale,	Dibble,	Lowry,	Snyder,
Barnes,	Dougherty,	Mahoney,	Springer,
Barry,	Dunn,	Matson,	Stewart, Charles
Beach,	Fisher,	Maybury,	Stone, W. J., Ky.
Belmont,	Ford,	McCreary,	Stone, W. J., Mo.
Bennett,	Forney,	McMillin,	Storm,
Blanchard,	Gibson, C. H.	McRae,	Strait,
Bland,	Gibson, Eustace	Miller,	Swope,
Blount,	Glass,	Mills,	Tarsney,
Breckinridge, C. R.	Glover,	Mitchell,	Taubee,
Breckinridge, WCP.	Green, W. J.	Morgan,	Taylor, J. M.
Burnes,	Hale,	Morrison,	Throckmorton,
Bynum,	Halsell,	Neal,	Tillman,
Cabell,	Hammond,	Neece,	Townshend,
Caldwell,	Harris,	Nelson,	Trigg,
Campbell, Felix	Heard,	Norwood,	Tucker,
Candler,	Hemphill,	Oates,	Turner,
Carleton,	Henderson, J. S.	O'Ferrall,	Van Eaton,
Catchings,	Herbert,	O'Neill, J. J.	Wakefield,
Clardy,	Hewitt,	Outhwaite,	Ward, T. B.
Clements,	Hill,	Peel,	Weaver, J. B.
Cobb,	Holman,	Perry,	Wellborn,
Cole,	Howard,	Reagan,	Wheeler,
Compton,	Hudd,	Reese,	Willis,
Comstock,	Hutton,	Richardson,	Wilson,
Cowles,	James,	Rogers,	Winans,
Crain,	Johnston, T. D.	Robertson,	Wise,
Crisp,	Jones, J. H.	Rogers,	Wolford,
Croxton,	King,	Sadler,	Worthington,
Culberson,	Kleiner,	Sayers,	Carlisle, John G.

## NAYS—157.

Adams, G. E.	Farquhar,	Little,	Ryan,
Allen, C. H.	Felton,	Long,	Sawyer,
Anderson, J. A.	Findlay,	Louitt,	Scranton,
Arnott,	Fleeger,	Lyman,	Seney,
Atkinson,	Foran,	Markham,	Sessions,
Baker,	Fuller,	Martin,	Smalls,
Bayne,	Funston,	McAdoo,	Sowden,
Bingham,	Gallinger,	McComas,	Spooner,
Bliss,	Gay,	McKenna,	Spriggs,
Bound,	Geddes,	McKinley,	Stahinecker,
Boutelle,	Gillilan,	Merriman,	Steele,
Boyle,	Goff,	Millard,	Stewart, J. W.
Brady,	Green, R. S.	Milliken,	St. Martin,
Brown, T. M.	Grosvenor,	Moffatt,	Stone, E. F.
Brown, C. E.	Groat,	Morrill,	Struble,
Brown, W. W.	Guenther,	Morrow,	Swinburne,
Brumm,	Harmer,	Muller,	Symes,
Buchanan,	Hayden,	Negley,	Taylor, E. B.
Buck,	Henderson, D. B.	O'Donnell,	Taylor, I. H.
Burrows,	Henderson, T. J.	O'Hara,	Taylor, Zach.
Butterworth,	Henley,	O'Neill, Charles	Thomas, J. R.
Campbell, J. M.	Hernburn,	Osborne,	Thomas, O. B.
Campbell, J. E.	Herman,	Owen,	Thompson,
Campbell, T. J.	Hires,	Parker,	Viele,
Cannon,	Hiscock,	Payson,	Wade,
Conger,	Holmes,	Perkins,	Wadsworth,
Cooper,	Hopkins,	Peters,	Wait,
Curtin,	Irion,	Phelps,	Wallace,
Cutcheon,	Jackson,	Pidcock,	Ward, J. H.
Davenport,	Johnson, F. A.	Pindar,	Warner, A. J.
Davis,	Johnston, J. T.	Plumb,	Warner, William
Dingley,	Kelley,	Price,	Weaver, A. J.
Dorsey,	Ketcham,	Randall,	Weber,
Dowdney,	La Follette,	Raney,	West,
Dunham,	Lawler,	Reed, T. B.	Whiting,
Ellsberry,	Le Fevre,	Rice,	Wilkins,
Ely,	Lehbach,	Rockwell,	Woodburn.
Ermentrout,	Libbey,	Romeis,	
Evans,	Lindsley,	Rowell,	
Everhart,			

## NOT VOTING—27.

Alken,	Dockery,	Haynes,	Pirce,
Bragg,	Eden,	Hiestand,	Reid, J. W.
Bunnell,	Eldredge,	Hitt,	Stephenson,
Burleigh,	Frederick,	Houk,	Van Schaick,
Caswell,	Hall,	Jones, J. T.	White, A. C.
Collins,	Hanback,	Murphy,	White, Milo.
Cox,	Hatch,	Pettibone,	

The following-named members were announced as paired until further notice:

Mr. PIRCE with Mr. BRAGG, on all political questions.  
 Mr. JONES, of Alabama, with Mr. BURLEIGH. Mr. BURLEIGH, if present, would vote against the consideration of the tariff bill, Mr. JONES in favor of it.  
 Mr. FREDERICK with Mr. HANBACK.  
 Mr. HALL with Mr. BUNNELL.  
 Mr. DOCKERY with Mr. HOUK.  
 Mr. COX with Mr. HAYNES. If present, Mr. COX would vote for the consideration of the tariff bill, Mr. HAYNES against it.  
 Mr. COLLINS with Mr. STEPHENSON. If present, Mr. COLLINS would vote for the consideration of the tariff bill, Mr. STEPHENSON against it.  
 Mr. EDEN with Mr. PETTIBONE. If present, Mr. EDEN would vote for the consideration of the tariff bill, Mr. PETTIBONE against it.  
 Mr. HATCH with Mr. CASWELL.  
 Mr. REID, of North Carolina, and Mr. VAN SHAICK were announced

as paired on the question of the consideration of the tariff bill. If present, Mr. REID would vote for the consideration of the bill, Mr. VAN SHAICK against it.

Mr. WHITE, of Minnesota, and Mr. HIESTAND were announced as paired on the question of considering the tariff bill. If present, Mr. WHITE would vote for consideration, Mr. HIESTAND against it.

Mr. ELDRIDGE and Mr. WHITE, of Pennsylvania, were announced as paired until June 26.

Mr. HITT and Mr. MURPHY were announced as paired on the question of the consideration of the tariff bill. Mr. HITT, if present, would vote against consideration, Mr. MURPHY in favor of it.

Mr. WEAVER, of Iowa. Mr. Speaker, I desire to announce that my colleague, Mr. FREDERICK, is confined to his room by illness.

The result of the vote was then announced as above recorded. The announcement was received with applause on the Republican side.

Mr. MORRISON. Mr. Speaker, I rise to give notice that on next Tuesday I will renew the motion I have made to-day. [Applause on the Democratic side.]

Mr. MCKINLEY. Mr. Speaker, I desire to give notice that we will try to be here next Tuesday. [Applause on the Republican side.]

## ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the bill making appropriations for the naval service.

Mr. O'NEILL, of Missouri. I raise the question of consideration on that bill for the purpose of endeavoring to bring before the House the reports of the Committee on Labor.

The SPEAKER. The question of consideration can not be raised on this motion, but the motion can be rejected by the House if it so determines.

Mr. O'NEILL, of Missouri. I understand, and that is the reason I make the suggestion.

The question was taken on the motion of Mr. HERBERT; and there were—ayes 149, noes 19.

So the motion was agreed to.

Mr. O'NEILL, of Missouri. All right. I have discharged my duty in the matter.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. Mr. Speaker, I reserve all points of order on that bill.

## NAVAL APPROPRIATION BILL.

The House, in pursuance of the motion of Mr. HERBERT, resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 8975) making appropriations for the naval service for the fiscal year ending June 30, 1887, and for other purposes.

On motion of Mr. HERBERT, by unanimous consent the first reading of the bill was dispensed with.

Mr. HERBERT. Mr. Chairman, I would like to come to some agreement with the gentlemen on the other side and with the House as to the time to be occupied in general discussion of this bill. On this side of the House I think there is very little disposition to discuss it, and I think we would be satisfied with two or three hours—an hour or an hour and a half on each side.

Mr. EZRA B. TAYLOR. Mr. Chairman, speaking not for the leaders, but for those who are led, I think we are willing on this side to have no discussion of the bill.

Mr. HISCOCK. Mr. Chairman, I dissent from the expression of the gentleman from Ohio. Discussion is desired on this side of the House; and it seems to me if they want two hours on the other side, it being now 2 o'clock, they had better let the discussion run on until the time for adjournment and fix the limit later.

Mr. HERBERT. Would not the other side of the House be willing to consent now that general debate be closed to-day at 5 o'clock?

Mr. HISCOCK. No, I do not believe it would.

Mr. STEELE. I think it would. If the gentleman from Alabama will make a proposition of that kind I think we shall agree to it pretty quickly.

Several MEMBERS (to Mr. HERBERT). Make the motion.

Mr. HERBERT. I am not permitted, as I understand, to make a motion to limit general debate until there has been some debate.

Mr. BUCK. I desire to say to the gentleman from Alabama that several gentlemen on this side of the House, including at least two who are not members of the committee, desire to be heard on this question, occupying perhaps altogether three or four hours on this side. I desire, therefore, that debate be allowed to run for a while until we can determine what limitation should be agreed upon.

Mr. BOUTELLE. I suggest to the gentleman from Alabama that he proceed now with his opening remarks, and as the debate runs along we can see how much time is desired for general debate.

Mr. ANDERSON, of Kansas. I suggest to the gentleman in charge of the bill that while it is perfectly natural that gentlemen who are on the committee should desire to speak and should wish to obtain ample time for that purpose, yet the House has some rights in such a matter. It is now very late in the session, and I hope this debate will not be spun out indefinitely.

Several MEMBERS. That is right.

Mr. HERBERT. Mr. Chairman, as I understand the rules of the House I would have no right to move to limit the debate until there has been some general discussion. That disposes of the desire of some of our friends here who wish to have an immediate vote on that question; and as my colleagues on the committee desire that the debate shall proceed, I will go on with my explanation of the bill, giving notice that very soon I shall make a motion (in which I hope I shall have the co-operation of the gentlemen on both sides) to limit the debate.

Mr. SPRINGER. Before the gentleman from Alabama proceeds to explain the bill let us have order.

The CHAIRMAN. Gentlemen will resume their seats, and the House will come to order.

Mr. HERBERT. Mr. Chairman, if the committee will give me its attention I will endeavor to explain this bill.

The appropriations in it are under several heads. The first is for the pay of the Navy, officers and men. Then there are separate appropriations for the eight different bureaus into which the Navy Department is divided. Then there is a separate appropriation for the naval asylum; another for the Naval Academy; and then comes up the question of an appropriation for the war college. Besides these there is an appropriation for the marines. I shall take up these several items in their order; and we first come to the question of the pay of the Navy.

The committee, when they began to investigate this question, were struck with the fact that there was a large surplus on hand which had been for several years gradually accumulating to the credit of the pay of the Navy. On inquiry it was ascertained that a very considerable portion of this sum was net balance, against which there were no outstanding debts whatever. At the end of the last fiscal year, on the 30th of June, 1885, this surplus amounted to \$576,000. These accumulations have resulted from the operation of the annual appropriations for this service as affected by the law of 1874, which makes appropriations for the pay of the Navy continuous. There are five of these funds which do not lapse into the Treasury at the end of two years as other appropriations do, the fund for the pay of the Navy, the fund for the pay of the Marine Corps, the fund for clothing of the Navy, the fund for small stores, and the naval hospital fund.

I have before me a table prepared in the office of the Fourth Auditor of the Treasury, who deals with these accounts, showing the gradual accumulation of these funds. At the end of the fiscal year 1879, the balance on hand to the credit of pay of the Navy in round numbers was \$209,000; in 1880, \$1,397,000; in 1881, \$1,747,000; in 1882, \$1,629,000; in 1883, \$2,051,000; in 1884, \$2,182,000. These however, were not net balances. There is or was a large outstanding indebtedness against each of these items. But at the end of the fiscal year 1885, there remained in the Treasury, as I have said, to the credit of pay of the Navy, the sum of \$576,000.

Now, according to the construction of this act of 1874 and the other laws bearing on the same question, from the days of Secretary Sherman down to the present administration, it has been held that this net balance standing to the credit of the pay of the Navy at the end of each year and against which there was no indebtedness whatever, might be used for the pay of the Navy for any year whatever. This was the decision of the Comptroller under Secretary Sherman, and this ruling was followed by Secretary Folger and Secretary McCulloch. Comptroller Lawrence delivered an elaborate opinion adopting this construction. This ruling had stood, and the practice under it had been uniform for twelve years when this appropriation bill was framed. Therefore, desiring to utilize this net balance of \$576,000, we made our appropriations less by that much than was supposed to be necessary for the wants of the Navy.

But an opinion has been delivered by Second Comptroller Maynard, answering a call made upon him, in which he differs from the construction heretofore put upon the law of 1874 by his predecessors. This different construction of the law, however, does not alter the fact there is a balance carried over from year to year, almost constantly increasing, a balance of \$576,000 at the end of the last fiscal year, a balance which, it is estimated, will amount to \$684,000 on the 30th of this month. There is no need for it; we ought to utilize it, and we propose to do so by changing the verbiage of the original bill and reappropriating this sum which stands there subject to the order of Congress. By that much then we reduce, not the expenditure, but the amount taken from the Treasury.

This appropriation pay of the Navy is further affected by a falling off in the amount that will be due for longevity-pay under the law of 1882. That law, which I need not speak of at length, gave longevity-

pay to certain officers. The law was, to a certain extent, retroactive, so that the heaviest payments under it would become due in the first few years after its passage. To meet this demand, an appropriation of some \$30,000 was made. But that appropriation was totally insufficient. There has been paid on account of that law, out of "pay of the Navy," \$286,409.75.

It is estimated by the Fourth Auditor that by reason of the falling off of this demand the amount necessary to pay the Navy will be reduced for the next fiscal year by something like \$150,000. It was also in evidence before our committee there would be a surplus remaining from the appropriations for the present year of \$90,000. A more accurate estimate furnished from the Treasury is \$108,000. That is to say, the estimate is there will be to the credit of pay of the Navy an increase of surplus funds of from \$576,000 to \$684,000, thus making the difference of \$108,000.

In addition to all this the pay of the Navy under the operation of the act of 1882 restricting the number of officers is gradually decreasing, and will continue to do so until we reach the limit fixed by that law.

I send to the Clerk's desk and ask to have read the following two statements:

*Statement showing the number of reductions in the line officers of the Navy since July, 1882, under the operations of the naval act, approved August 5, 1882, and the amount of reduction in pay of the Navy, represented thereby for fiscal year 1885-'86.*

Grade.	Number on list—			Reductions.	Increase.
	July 1, 1882.	By act of August 5, 1882.	June 1, 1886.		
Admirals.....	1	1	1	0	.....
Vice-Admirals.....	1	1	1	0	.....
Rear-admirals.....	11	6	*7	4	.....
Commodores.....	25	10	11	14	.....
Captains.....	50	45	45	5	.....
Commanders.....	80	85	85	5	.....
Lieutenant-commanders.....	80	74	74	6	.....
Lieutenants.....	230	250	250	20	.....
Masters †.....	100	75	75	25	.....
Ensigns.....	100	75	167	.....	† 67
Midshipmen.....	111	.....	.....	111	.....
Cadets, after four years.....	105	.....	75	33	.....
Cadets at Academy.....	135	.....	210	.....	75

\* One in excess having received the thanks of Congress—Rear-Admiral Worden.

† Title changed to "lieutenant, junior grade," act of March 3, 1883.

‡ Increase authorized by act of June 26, 1884; title changed to "ensign, junior grade," by act of March 3, 1883; "ensigns, junior grade," made "ensigns," act of June 26, 1884.

§ Number retained according to vacancies.

NOTE.—In August, 1884 (the date of making estimates for pay of the Navy for 1885 and 1886), the reductions under the operations of act of August 5, 1882, shows at that date the annual amount of pay for above class of officers was decreased \$142,073, computed at average pay.

*Statement showing the number of reductions in the Medical, Pay, and Engineer Corps of the Navy since July 1, 1882, under the operations of the naval act approved August 5, 1882, and the amount of reduction in pay of the Navy for the fiscal year 1885-'86.*

Grade.	Number on list—			Reductions.
	July 1, 1882.	By act of August 5, 1882.	May 26, 1886.	
Medical directors.....	15	15	15	.....
Medical inspectors.....	15	15	15	.....
Surgeons.....	50	50	50	.....
Passed assistant and assistant surgeons.....	93	93	*80	3
Pay directors.....	13	13	13	.....
Pay inspectors.....	13	13	13	.....
Paymasters.....	50	40	64	4
Passed assistant paymasters.....	30	20	27	3
Assistant paymasters.....	19	10	17	2
Chief engineers.....	70	70	70	.....
Passed assistant engineers.....	100	60	82	18
Assistant engineers.....	78	40	66	12
Cadet-engineers.....	46	.....	†21	25

\* Ten vacancies existing subject to be filled.

† Under the decision of the Supreme Court the names of twenty-seven cadet-engineers, legislated out of the Navy under the interpretation by the Department of act of August 5, 1882, were restored to the Navy list on March 10 last. Six of these have since resigned, and the remaining ones will eventually become assistant engineers.

NOTE.—In August, 1884, the date of estimating for pay of the Navy for 1885-'86, the reduction under the operations of act of August 5, 1882, shows, at that date, the annual amount of pay for the above classes of officers was decreased \$96,600—computed at average pay.

The reduction in the pay of officers was down to that time, now nearly two years ago, \$142,000. These estimates are the latest which have been made, and this reduction continues and will go on until the limitations of the law are reached all along the line.

We might estimate that a very considerable sum could on this account be taken from the pay for the coming year were it not for the fact that a certain number of cadet engineers have, contrary to the decision of the former Secretary of the Navy, been decided by the Supreme Court to be entitled to commissions. So the pay due these is to be reckoned as offsetting in part at least these reductions I have explained resulting from the operation of the law of 1882, as it affects other officers.

Taking all these things into consideration, the committee have reduced the amount of appropriation of pay of the Navy and pay miscellaneous, which goes with it, by the sum of \$206,192. We feel sure we are now very far within the limit, and that there will be a small surplus of this particular appropriation.

And here let me remark that it has been the anxious endeavor of this committee to frame a bill that was perfectly fair. I think my colleagues on the other side of the House who have co-operated with us on this side in examining the estimates and framing this bill will agree that we have intended there should be no deficiency anywhere.

Wherever we have found a deficiency in the bills of past years, if we believed that deficiency was likely to occur in the future upon the same estimates, we have raised the amount and given enough to avoid it; but, on the other hand, we have endeavored to give no more than enough.

We next came to the Bureau of Navigation. The appropriation for this bureau for the fiscal year 1886 amounted altogether to \$114,500. The appropriations recommended by the present bill reach an aggregate of \$120,500. We have added in some cases and reduced in others, and have made the same appropriations in other respects as in the bill of last year.

For instance, on the ocean surveys \$10,000 was appropriated last year. It turns out that only some three or four thousand dollars of that sum has been used, and so we appropriated \$4,000 for the present year. But the surveys made under the direction of the Hydrographic Office along the coast of Mexico in the track of the steamers from San Francisco to Panama have not yet been mapped, and an appropriation for charts was wanted. For this purpose we have given \$10,000. Twenty thousand dollars was asked, but \$10,000 is probably as much as will be utilized during the present year. We have also given something for a compass-testing house, and have reduced the amount of the civil establishment by \$1,800.

As to this subject of the civil establishment of the several bureaus in the different navy-yards, the committee have found very great difficulty in dealing with the question, and I think I may say for all of us that the bill is more unsatisfactory to the committee in that regard than in any other.

But when I come to a proper bureau, one which furnishes an illustration of these difficulties, I will endeavor to explain why we were forced to bring in a bill which we are free to say is far from satisfactory to ourselves. I think the reasons which I will assign will carry their lesson with them.

I now come to a matter of importance—not important on account of the amount of money immediately involved but in the consequences to result from our action. In the last Congress some \$14,000 was appropriated in the naval bill for a naval war college which has been established by executive order at Newport, and a somewhat similar sum was appropriated in another bill.

There is no appropriation contained in this bill for that college. It has never been established by law, though it has been recognized in the appropriation bills and perhaps by reference to it in other acts of Congress. Now is the proper time to consider carefully the question whether or not that college is to become a permanent institution. In the opinion of a large majority of your committee it ought not. We have now a Naval Academy at Annapolis. We have at Newport the torpedo school and we have there a training school. This war college established there would be the third institution under the Navy Department at Newport. Why should we have so many?

Mr. MCADOO. May I ask the gentleman a question?

Mr. HERBERT. Certainly.

Mr. MCADOO. Do you not think it has been the policy of the Department to establish these training schools near the watering places as a general rule, and more for the purpose of benefiting the watering places than the public service?

Mr. HERBERT. That I would not like to say. It seems to me that is not a question for us to consider. Let us decide the other and greater question of establishing or not, permanently, another naval college which will necessarily continue to grow and grow until it becomes a matter of great expense to the Government. We believe, after a full consideration of the question, that there is no necessity for it. The committee are all friends to naval education. We are all friends to the Naval Academy; and we have increased the appropriations for that institution. For the purposes of instruction we estimated we had put \$10,000 additional into pay miscellaneous, and in another place we add \$5,000 for instruction.

We believe that it is beyond all doubt that the battles of the future are to be decided very largely by scientific knowledge. I believe that we ought to have the very best talent and training in the construction of our ships and in the building of engines. It is from the education of picked young men in these branches we are to expect the best results from the expenditure of money. For one, I am willing to appropriate liberally for a post-graduate course—a course that will develop to the very highest extent the best talent in our land. But I would have that course open to our young men—boys, if you please to call them so—the men we are to rely on to build or devise the ships and engines and implements of war of the future. But what is to be taught in this school for older officers? How to maneuver ships when we have no ships to maneuver? How to manage guns when we have no guns?

It does seem to me that just at this time when our old navy is fast passing away, when it will soon live only in history, now when we need money so much for the building of new ships and new guns, now is not the time for the establishment of another naval college. Build ships and put the officers on them, and then they will learn to maneuver them. Construct guns and put the officers in charge of them, and then they will learn to manage them. If an officer wishes to take a special course of study let him attend a post-graduate course at Annapolis. There we have professors and libraries and apparatus. We had before us Captain Ramsay, the distinguished Superintendent of the Naval Academy, and had his opinion in full on this question, and it was largely upon that opinion and the reasons he gave that we acted when we refused to appropriate for a naval war college.

But why not have the post-graduate course at Annapolis? The necessary building is already there; a good building erected for the purpose to which it was never put—that of a hospital. It would furnish quarters for the officers. We have, as I have said, the plant already there—engines, models, apparatus, library, professors, and all. If necessary we can add to them. This will be easier and cheaper and better than to build a new and rival institution. Mr. Chairman, there are already too many jealousies and rivalries existing among our naval officers. Let every member of this House who is a real friend of the Navy be careful how he votes for the establishment of an institution that will be a new dividing-line, a new source of rivalry and jealousy.

These in brief are the reasons which induced the committee to refuse any appropriation for this war college. It is true it was only a modest amount asked for, some \$14,000 in this bill. But another estimate was made for it in another bill in the hands of the Appropriations Committee, the sundry civil bill I believe, amounting to perhaps as much.

We next come to the Bureau of Ordnance. The appropriations there are about what they were for the last fiscal year. It will be noted by any gentleman who has followed me with the Book of Estimates that \$146,000 was given in the last bill for purposes for which we only give \$127,500. That is for ordnance and ordnance stores. But the difference is only apparent; it is not real. From the \$146,000 appropriated for ordnance and ordnance stores for the fiscal year 1886 there was taken and used for the payment of the civil establishment, in addition to the \$5,000 expressly appropriated for that purpose, the sum of \$23,204. If you subtract that from \$146,000 you get about the sum we have given.

Now, we know very well that this country needs a larger appropriation for ordnance than that. It requires more ships and more ordnance; and all that we have provided for in another and separate bill. If we had appropriated in this bill for ordnance and nothing more then it might have been urged by those who are disposed to oppose all expenditures for the increase of our naval establishment, that we had already appropriated for that purpose and that might have been given as a reason for refusing to take up the bill we have reported for new ships. The bill now before the House under the rules can not contain appropriations for new vessels. It can not contain appropriations for any new enterprise. All such must necessarily go upon a separate and distinct bill. So we concluded it would be well to put everything relating to a new navy in one bill.

There are here estimates for improved Hotchkiss and Gatling guns with which to arm our old ships—the ships in our old Navy. Those same estimates were submitted in the last Congress, and substantially nothing was appropriated for them. They are submitted again; but we have appropriated nothing for them except what may be used from the \$127,000. Out of similar appropriations hitherto made money has been expended for this purpose, and we now have in our old Navy quite a number of guns of this kind, paid for from this appropriation. We believe this appropriation will be sufficient in addition to the ordinary purposes to arm with rapid-firing guns at least one ship. On the Trenton there are four 37-millimeter revolving guns; on the Tennessee four; on the Lancaster four; on the Omaha four; on the Hartford four; on the Brooklyn four; and on the Pensacola two 57-millimeter guns. These have been purchased out of the appropriations made from year to year, similar to that which we make here.

We have appropriated for torpedoes, and for the work connected with them, \$58,500 against \$60,000 appropriated heretofore. We have added some little items, which I need not stop to explain, in the other bill which we have reported to the House and which I feel confident we shall be able to take up and pass, in addition to what is appropriated here for torpedoes.

We next come to the Bureau of Equipment and Recruiting. The business of this bureau, as its name implies, is to provide sails, anchors, chains, ropes, and everything that goes to equip a ship. When we look into this bureau we find some things which are very astonishing, but they are things for which the present distinguished chief of the bureau is in no sense responsible. For instance, we find that there is on hand now in the Bureau of Equipment and Recruiting canvas enough to fit out the whole British navy. "Canvas enough to give two suits of sails and a foretop sail to the whole British navy"—that is the expression of Commodore Schley. Altogether, according to the calculation which I have made upon his figures, we have enough to serve our present Navy for thirteen years. He said it would take 7,000 yards with which to give two suits of sails and a foretop sail to the largest ship we have in service.

We have about thirty vessels bearing more or less sail-power. A suit of sails is considered to last three years; so that it would be necessary every year to equip with sails one-third or about ten of our ships. If you average the number of yards for each ship it would make about 5,000 yards for each, or 50,000 a year; and the number of yards we have on hand is 657,903. But the fact is that much of this canvas has come over for ten or twelve years and is nearly worthless.

Then we find extravagance in other things. For instance, there are these spectacle-irons used in rigging sails. We have on hand of these spectacle-irons or clews 75,099 pounds. It is estimated that these are worth \$18,744. Upon the estimate of a thousand to a ton and sixty to two suits of sails, we have enough on hand to last us for over fifty years. But making another calculation, estimating according to amounts that have been actually used, as shown by the books since these were bought, and that was a long time ago, in 1871 and 1872—I am making the estimate upon that—we have enough of these to last the Navy for eighteen years.

Now all this comes from what in my opinion is a wrong system the Navy has fallen into. I might designate it as the Toodles system. Toodles bought the coffin because it was a good thing to have in the house. So whenever you appropriate money and give it to a bureau with power to expend it, the money is apt to be expended for things not necessary perhaps at the time but handy to have in the house. We believe it wise to appropriate no more money than is actually needed.

This bureau furnishes also a proper instance from which to explain the difficulties I said we labored under in adjusting the appropriations to the civil establishments in the navy-yards. The House must know, in the first place, that each of these eight different bureaus in the Navy Department has complete jurisdiction over the subject-matter confided to it.

Each is absolutely beyond the control of the other. Each is a little separate Navy Department within itself, and they occupy toward each other and toward the Secretary of the Navy very much the same relation that the several Departments of this Government occupy toward the President. We find this division into different bureaus ramifying everywhere and into everything. Wherever there is a trace of our Navy, there we find the divisions made by these bureaus. We find it on shipboard, we find it in the navy-yards. Go into a navy-yard, and you find there the civil establishment of the Bureau of Construction and Repair.

That bureau has to do with the construction of the hulls of ships, and it has its blacksmith shops, its joiner shops, its paint shops, its storehouses, its clerks, its writers, and all its numerous supervisory force. Then right alongside of that is the Bureau of Equipment and Repair, and it has its blacksmith shops, its joiner shops, its paint shops, its storehouses, and all its supervisory force. You find the same thing when you come to the Bureau of Steam-Engineering or the Bureau of Ordnance. Now, these employés, these blacksmiths and joiners and clerks and writers and storekeepers, all this supervisory force, constitute what is known in the language of the Navy Department the "civil establishment" of the different bureaus, and it has been the custom heretofore to appropriate simply a lump sum, so much for the civil establishment of each bureau.

For the civil establishment of the Bureau of Equipment and Recruiting there was appropriated for the fiscal year ending in June, 1885, the sum of \$9,000. There was actually expended for this civil establishment \$20,400. The difference between the sums was taken from the general appropriation.

The last Congress very properly provided that the heads of Departments should send in separate and detailed estimates for all these "civil establishments." It was doubtless the intention of Congress that we should appropriate separately for each employé, so much for this clerk, and so much for that head laborer.

Now, I would like the attention of the House while I endeavor to explain why we did not do that. It was because we found it was impossible for us to determine how many employés were needed by each one of these different bureaus. No one can have any idea of the difficulty of the task of correcting this abuse, too much supervisory force in the navy-yards who have not studied the question, and the efforts that have been made in this direction heretofore. Bureau chiefs are naturally jealous of the power confided to them. They deem it their duty to preserve it, and to do this each feels that his organization must be kept

separate and complete. This question is not a new one. It is not presented now for the first time.

In 1882, when Mr. Chandler was Secretary of the Navy, it was presented to him under the operation of a resolution of Congress, an act passed doubtless at his own instance, and he attempted the very reform which we are lamenting to-day that we are unable to carry out fully. Secretary Chandler appointed a board, consisting of Commodore Luce, a line officer; Chief Engineer Loring, a staff officer, and Mr. Mullett, a civilian, to examine into this whole question of the navy-yards and see how many of them ought to be discontinued, and to report generally as to how they could be rendered more efficient and at the same time their administration be made more economical. That board made two reports. When the first report had come in and the Secretary had been furnished with certain memoranda showing the condition of things in the navy-yards Secretary Chandler addressed a circular letter to the chiefs of the different bureaus, which I ask the Clerk to read for the information of the House.

The letter was read, as follows:

NAVY DEPARTMENT,  
Washington, June 23, 1883.

SIR: Your attention is called to the "memoranda on the reorganization of the navy-yards, and the disposition proposed to be made of each yard," submitted to the Department by the navy-yard commission in advance of their formal report to Congress.

You will immediately give such orders and make such recommendations to the Department as are necessary to carry into effect, under your bureau, the recommendations of the commission.

The act of August 5, 1882, required the Secretary of the Navy, in certain contingencies, to "suspend work at those yards where he finds it can best be dispensed with," and directed that "at the yards so closed only such officers and employés shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged."

The sundry civil appropriation act of March 3, 1883, appropriated "for navy-yards and stations, \$150,000, and \$50,000 additional, which shall be used only in the care and preservation of such yards and stations as may be closed."

The Department understands that this last appropriation of \$50,000 will be applicable to the care and preservation of yards and stations where work in the construction and repair of naval vessels may be suspended, in the manner specified in the act of August 5, 1882, although they may continue to be used as naval depots as well as organized to preserve and take care of the property of the Government therein.

In accordance with these views, work is ordered to be suspended as soon as practicable at the Pensacola, League Island, New London, and Boston yards. At Boston, however, work in the rope-walk and the sail-maker's department will continue.

At Portsmouth, repairs of wooden vessels may continue for the present. At Washington, work upon repairs of vessels, or for any purpose not mentioned in the memoranda of the commission, will be discontinued.

You will cause to be made the changes in the organization at each yard recommended by the commission and required by these instructions. You will also carefully consider whether a reduction of foremen beyond that recommended by the commission can judiciously be made in the interest of economy. If so, you will proceed to make such reduction.

You will further examine the "Statistics of navy-yards," in Appendix No. 20 to the report of the Department to the President of November 29, 1882 (page 177), and endeavor to discover additional reductions which may be made in the list of civil employés at each navy-yard, whether in your own or any other bureau, and either make or recommend such reductions.

Your attention is specially called to the large number of persons engaged in clerical duties, either as clerks or writers, and you will endeavor to direct or recommend the discharge of some of these.

The statistics referred to show an enormous daily expenditure on the 16th day of November, 1882, namely: For 657 foremen, clerks, and employés, other than ordinary mechanics and workmen, \$2,179.72, and for 3,805 other employés, \$9,139.65, making 4,462 total employés at a daily compensation of \$11,319.37, or at the rate of over \$3,000,000 a year, when the only work in progress on ships of war at all the yards was repairing the Omaha, Shenandoah, Trenton, Ossipee, Mohican, and Alert. This enormous expenditure for such feeble results is inconsistent with faithful administration, and the Department stands pledged that all unnecessary work shall be discontinued and all employés not needed dismissed. It will be impossible that this pledge shall be carried out unless with the cordial and vigorous co-operation and action of the heads of the bureaus. You are confidently relied upon to do your part in this work of economy.

Very respectfully,

WM. E. CHANDLER,  
Secretary of the Navy.

Chief Constructor T. D. WILSON,  
Chief of Bureau of Construction and Repair.

But that vigorous letter and every effort of Secretary Chandler was unavailing. The chiefs of bureaus protested. They failed and refused to give him that co-operation without which reform was impossible. I find no fault with these chiefs. They can not co-operate in breaking up their organizations without surrendering their power—the power which under the present system the law seems to confide to them. The fault is in the system, and this effort of Secretary Chandler and his failure seem to demonstrate it. The board I have spoken of came to that conclusion, and expressed it very pointedly. It will be noted that the letter of Secretary Chandler I had read was dated June 23, 1883. I have stated that his effort failed. After that, October 11, 1883, that board, with the present chief of the Bureau of Steam-Engineering then a member of it, made a report, from which I make the following extract:

To a proper understanding of the subject, it should be stated that the present wasteful extravagance in employing so great an excess of non-producers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties, and a large

patronage, and are naturally jealous of the interference of any one but their own chiefs.

Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business. As an illustration, we take from official "schedule of wages" (Form 9) of civil engineer's office the following ratings: Boiler-makers, boiler-makers' helper, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-carpenters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers—a little ship-yard in itself.

In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or Boston yard to do the work of its own particular class of the entire Navy during peace. We habitually speak of a private ship-yard as a "plant;" but each of our national ship-yards is a segregation of "plants," each having its own separate organization, and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several "plants," useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

To make such radical changes as we proposed in our memorandum was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on the basis laid down by the commission, it is hardly to be hoped that under present conditions they will be permanent. For whatever changes may be introduced now, and how beneficial soever they may be, still the same causes remaining in active operation must inevitably produce the same results, and in time restore the system of independent plants, with all its attendant evils. Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing work, with a proper system of accountability; to secure, in short, in each of our yards unification, method, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin within the Navy Department itself.

Secretary Chandler seemed to have been of this opinion before, but he was confirmed in it now, for he recommended in his report, December, 1883, for both 1882 and 1883, that the Bureaus of Construction and Repair, of Steam-Engineering, and the work of equipment should be put under one head and one management. In this way, in my opinion, and in this way alone, will it ever be possible to bring the number of employes in the civil establishments of these different bureaus within proper bounds.

The Committee on Naval Affairs conferred with the chief of every bureau to find some way in which we could make a reduction in this establishment, but while now and then there was some chief who admitted that perhaps this or that officer might be dispensed with, yet in the majority of cases there was a demand even for an increase.

Mr. BOUTELLE. I desire to ask my colleague on the committee, simply for information, whether it is his purposes to discuss at this time on this bill the question of the reorganization of the Department, because in that case some of us on this side may desire to modify the line of procedure which we had proposed to take in regard to this bill.

Mr. HERBERT. I propose to discuss that matter only to this extent: I am endeavoring to show why, in this bill, we have not specified particularly the number of the employes, with the names and salary of each. I propose to show that we have undertaken in another bill to provide a system under which it can be done. I wish to show that we can not do it here.

Mr. BOUTELLE. I have not the slightest objection to that discussion coming up; but it may, as I have said, modify the action which some of us on this side expected to take in regard to this appropriation bill, this being a bill to appropriate money to carry on the Navy, and the other question being an entirely distinct one, in regard to which there is a bill now on the Calendar of the House. I do not deprecate the discussion at all.

Mr. HERBERT. I do not think, Mr. Chairman, that this is an entirely separate question. I do not think I can intelligently discuss this bill and give to this Committee of the Whole the reasons why we were not able to follow exactly what seemed to be the course marked out for us by the law of the last Congress, without alluding to the difficulties which we have undertaken to remedy in the other bill.

Mr. BOUTELLE. Then my friend, the chairman of the committee, will see very clearly that if this discussion is to go over the field of these two important bills, there is a necessity that the debate should not be restricted so closely as he suggested at the opening of the discussion.

Mr. HERBERT. Well, we have not been able to agree upon any limit to this discussion. If the discussion were limited, I should limit my remarks. It is because we were unable to agree upon a limit that I am going more fully into this question than I otherwise would. I will, however, say to my colleague on the committee that I do not propose now to discuss the details of the bill we have reported consolidating certain of these bureaus. I simply want to show, and I think it is legitimate I should do so, that the construction of the civil establishment of these different yards is something we could not get at in an appropriation bill; that the remedy is to be sought elsewhere; and it is legitimate for me to show that this was the view of Secretary Chandler, and that he so recommended to Congress.

Mr. BOUTELLE. That is exactly the point I wanted to raise. If the question is to be discussed now, we may desire to show that the plan of reorganization which the gentleman advocates is not advisable.

Mr. HERBERT. I know that on this point my colleague on the committee, the gentleman from Maine, differs with me. Which is right

it will be for the House to decide when we reach that bill. I am confining myself now to this inherent difficulty encountered by the committee, and arising from the fact that each of these different bureaus has its own storekeepers, its own blacksmiths, its own clerks—all this supervisory force side by side in the same navy-yard, all paid from different appropriations, though all working on the same ship—and am endeavoring to make clear the reasons why we could not effect a greater reduction in these civil establishments.

Now, I deferred this portion of the discussion until I came to this bureau because the difficulty is very apparent right here. There was appropriated in the last bill \$9,000 for the civil establishment of the Bureau of Equipment and Recruiting. Of course it was the expectation that no more was to be spent; that is to say, it was the seeming expectation; yet the Committee on Appropriations must have known and did know that there was danger that more would be spent, and in order to prevent this that committee last year induced the House to provide that there should be separate estimates submitted for this establishment in each bureau. Now, this estimate was made by the Bureau of Equipment and Recruiting.

We have navy-yards at Kittery, Me., at Charlestown, Mass., at Brooklyn, N. Y., at League Island, at Washington, at Norfolk, at Pensacola, and at Mare Island. I will not go through with all of them, but I will take up one or two as samples. In the navy-yard at Kittery, Me., this Bureau of Equipment and Recruiting has altogether eleven persons. Little or nothing is being done there. Some work was done in the way of repairs last year; but at the time this estimate was made nothing was being done. There were, under this bureau, only eleven persons there. They had little to do except to take care of the property of the Bureau of Equipment and Recruiting. These eleven included one clerk at \$1,200 and another writer at \$1,000, making two persons doing clerical duty where there were only eleven employes in all.

Then we come to the navy-yard at Charlestown, Mass. There is a rope-walk there, a very good one, too, I believe, conducted under the Bureau of Equipment and Recruiting. Rope is made well, and, according to the statements before us, which we have no reason to doubt, made at a reasonable expense. But all the employes at the Charlestown navy-yard numbered only fifty-seven, which seems to be about the average number for the year round.

Now, in addition to the superintendent of the rope-walk, there were two clerks and one writer; that is to say, three persons doing clerical duty for only fifty-seven employes. We supposed we could strike out one there. So our first estimate was to strike out a writer at Kittery navy-yard, Maine, and to strike out a clerk at the Boston navy-yard.

So when we went to Brooklyn, which is the principal navy-yard in the country, where more work is done than anywhere else, we found there two clerks and seventy persons. At League Island we found one clerk and eight employes; nothing is done at that yard. At Washington we found two clerks and one writer and seventy-nine employes altogether. All these in this single Bureau of Equipment and Recruiting.

Mr. GOFF. Will the gentleman permit me to ask him a question? Mr. HERBERT. Certainly.

Mr. GOFF. I understand you are stating this as evidence of the fact that the system itself is weak?

Mr. HERBERT. Yes; I am citing these facts to show that the system is weak.

Mr. GOFF. Now, could not the Secretary of the Navy by the stroke of his pen remedy the evil of which you complain?

Mr. HERBERT. No; not unless he is a stronger man than Secretary Chandler, and he was most earnest in favor of consolidation.

Mr. GOFF. What you seem to complain of is the excess of employes on the civil-list.

Mr. HERBERT. It is precisely that point, and if the House has paid attention to the letter read from the Clerk's desk it was precisely that point to which Secretary Chandler addressed himself. He failed in his effort to reduce the number of these employes because he was met with a protest from the chiefs of the bureaus in the Navy Department.

Mr. GOFF. In other words, those chiefs of bureaus report they have no more employes than the necessities of the service demand.

Mr. HERBERT. Of course they do.

Mr. GOFF. If the Secretary of the Navy thinks to the contrary and that the force is excessive can he not, nevertheless, reduce that force?

Mr. HERBERT. It seems that Secretary Chandler could not do it, for he tried in the most earnest way to accomplish that result. We have, if we did not know it otherwise, evidence from his letter, which has been read, that he knows how to use the English language—

Mr. GOFF. Do you not admit my proposition?

Mr. HERBERT. No.

Mr. GOFF. Can not the Secretary of the Navy reduce that force under the several bureaus if he issues his order to that effect?

Mr. HERBERT. Of course he can reduce the force somewhat, and it has been reduced in some degree, but not to the extent to which it ought to go. This can not be done under the present system.

Mr. BOUTELLE. Now, is it not the fact that consolidation is going on in several of these bureaus under the present organization?

Mr. HERBERT. To a limited extent, yes.

Mr. BOUTELLE. Is it not true, as stated by concurrent testimony of the bureau officers, that it is perfectly competent for the Secretary of the Navy by order to accomplish all the reductions you desire?

Mr. HERBERT. No, sir; that is not the concurrent testimony of the bureau officers.

Mr. BOUTELLE. Is it not the testimony of every bureau officer, every officer of the Navy with the exception of Mr. Whitney (the Secretary) and Commodore Walker?

Mr. HERBERT. The gentleman's memory is at fault, for there is no one more opposed to the consolidation which is sought to be secured than Commodore Harmony.

Mr. BOUTELLE. I will include him also, and again ask whether it is not the testimony of every bureau officer, with the exception of Mr. Whitney (the Secretary), Commodore Walker, and Commodore Harmony, that these reductions can be accomplished under the present system by the order of the Secretary?

Mr. HERBERT. Those three gentlemen of course all testified in favor of the consolidation.

Mr. BOUTELLE. I do not consider there was a single other officer who appeared before the committee whose testimony was not that all these reforms can be accomplished by the administrative action of the Secretary of the Navy.

Mr. HERBERT. The gentleman is at fault again. Commodore Schley did not agree it could be done.

Mr. BOUTELLE. I do not understand Commodore Schley as saying before the committee the proposed changes could not be made by order of the Secretary.

Mr. HERBERT. I remember his testimony right well.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. I did not know that I was consuming so much of the time of the House.

Mr. BOUTELLE. I move that the time of the gentleman from Alabama be extended indefinitely.

There was no objection, and it was ordered accordingly.

Mr. HERBERT. I am very much obliged to my colleague on the committee and to the House. I am not going into what the bill contains, but I am merely speaking of the difficulties with which we had to contend. The gentleman seems to have forgotten the testimony of Commodore Schley. When he was asked by Mr. BUCK which of the three bureaus could be consolidated, or which three bureaus he named, he said:

Construction, Engineering, and Equipment Bureaus might be readily combined, because they appertain, you may say, in the same general way to construction. They all have to do with the construction of ships.

So much for the testimony of Commodore Schley on that particular point. But as I have said I do not propose to discuss the bill, but simply in this way to show why we could not appropriate separately and specifically for each of the employes. The first idea of the committee was to strike out from the civil establishment for this bureau one clerk at Kittery, Me., another at Charlestown, Mass., a clerk at Brooklyn, N. Y., one at Washington, a writer at Norfolk, a clerk at Mare Island, where they had one clerk and one writer to only thirteen employes; and that would have made a very much less sum than we have now in the bill.

But we were met by so many protests that we found ourselves unable in this as in other bureaus to bring the sum down as low as we desired. What were we to do? We had also the question to meet, which one of these clerks can be best spared? Who could best determine that question? We concluded to leave it to the Secretary of the Navy, acting in concert with the chiefs of the different bureaus. Therefore, while we have reduced to some extent the amount of the appropriation for the civil establishment in each one of these cases, we made the appropriations in lump sums.

As to the bill we have heretofore reported consolidating certain bureaus I believe its enactment would reduce these expenses as Commodore Walker estimated at least 33 per cent., besides rendering the service much more efficient.

Now, Mr. Chairman, I pass the Bureau of Yards and Docks. In this bill we have appropriated already for this purpose \$272,000 against \$244,000 last year, making a total increase of \$28,000. We attempt to make and do make a reduction in the civil establishment and when we appropriated there as in the other bureaus a sum of money for the civil establishment, we provide that no other fund appropriated by this bill shall be used for the payment of such services.

Mr. BOUTELLE. I dislike very much to interrupt my colleague in his argument, but in order to preserve the continuity of the colloquy which took place between us a little while ago, I ask him to permit me to read a portion of the testimony of Commodore Schley upon this subject.

Mr. HERBERT. Certainly.

Mr. BOUTELLE. In response to the following question by myself:

Do you think the evils you point out—is it your idea that they require a statutory enactment to remove them?

He replied:

I said a moment ago that the difficulties appear more functional than organic.

The law which creates the present organization of the Navy Department places its business and its administration in the hands of the Secretary of the Navy, so that if it fails it must be administrative rather than organic. I can see that the present organization is defective, &c.

Simply sustaining the view I advanced that the testimony of the leading officer of the Department who came before the committee was that the apparent difficulties which exist, and I suppose that they are in all human affairs, are administrative rather than organic or functional.

Mr. HERBERT. My colleague is now discussing the particular provisions of the consolidation bill. I admit with him that Commodore Schley was opposed to the bill about which we examined him. But I quoted from his testimony for the purpose of showing that he agreed with me that certain difficulties under which we labored might be avoided by consolidating three of the bureaus; and I say he admits the difficulties as I have quoted him—difficulties which I think ought to be remedied by passing that bill. But I will not discuss that bill now. When it comes up I shall have something to say upon it.

Now, passing from the Bureau of Yards and Docks—

Mr. FELTON. Will the gentleman permit me to ask him a question before passing from that subject? I see in line 199 provision is made for contingent expenses that may arise at navy-yards and stations \$20,000. I would like to know what is considered as contingent expenses. Is that at the discretion of the Department to be used for any purpose they may see proper? To be more explicit I will state the reason for the inquiry.

At the Mare Island navy-yard there is a marine corps, and no provision is made for housing them and they are living in stables and sheds to-day. I have been requested from the yard and from many of our people to give some attention to the subject of getting them properly housed. I suppose the expenditure of two or three thousand dollars would do it; and I simply desire to know whether the Department could appropriate up to that amount for that purpose from this fund.

Mr. WISE. This does not cover that at all.

Mr. HERBERT. This is to meet expenditures that can not ordinarily be foreseen, and would probably not cover the case to which the gentleman from California [Mr. FELTON] alludes.

Now, as to the yards and docks, we not only appropriate \$28,000 more to the whole bureau, but the sum total for repairs will exceed that for the current year by a still greater sum than \$28,000, because we save for this purpose a portion of the sum that was heretofore taken from the appropriation for repairs and applied to the civil establishment. It will be noted by any one who has a book of estimates before him, that this civil establishment spent last year \$96,000. There had been appropriated for it \$59,000. The difference between \$59,000 and \$96,000 had been deducted from the \$200,000 which had been given for repairs.

Now, instead of \$96,000 we appropriate \$74,000, and the difference between \$74,000 and \$96,000, namely, \$22,000, which was formerly subtracted from repairs, will go to that purpose now. Thus \$50,000 more will be available for repairs than heretofore.

The committee felt it was justified in recommending this larger expenditure for the reason that our navy-yards, most of them, are in a very dilapidated condition. This appropriation is not intended for the erection of any new dock, but is intended simply for the repair of yards, buildings, &c. We believe, however, this is a sufficient sum for that purpose.

Then we come to the naval asylum. The appropriation there is altogether an increase of some \$14,000 over that for the current fiscal year. The principal item of increase is \$10,000 for erecting a brick building for kitchen, &c., which seems to be very necessary. There is an item also of \$4,500 for the repairs of buildings, which are much dilapidated. The committee was carrying out here, as everywhere in the bill, its purpose not to follow as a guide the appropriations for the current year, but to increase on these where it was necessary and to diminish them where it could with safety.

In the Bureau of Medicine and Surgery the appropriations last year were \$125,000; this year they are \$120,000.

I will not undertake to dwell on each of these separate bureaus because I am admonished I am consuming a great deal of time. But when we come to the Bureau of Provisions and Clothing we are confronted with some very interesting facts. As far back as 1843 the present system was established by which the Government furnishes to sailors their clothing, charging them cost price for it, and the fund which was appropriated originally for that purpose is turned over and over again and not paid back to the Government. It is a continuous appropriation. For a long time 10 per cent. was added to the cost in order to cover waste and other expenses. Some ten or twelve years ago it was deemed this was unfair to the sailor and the 10 per cent. was omitted; and since that time only the cost price has been charged to the sailor.

There is on hand now in money belonging to this bureau for clothing, \$562,000; of clothing goods in store, \$437,000; on shipboard, \$211,000; making, in all, \$1,242,000 in money and in clothing. We ask ourselves the question, what is the use for all this? It turns out that the average amount of expenditures for clothing the Navy for a year is \$276,000. So that here is a supply on hand of money and clothing for four years and a half. The last appropriation that was made was in 1875. All

the time since that date this—all that has not been wasted—has been on hand in that bureau.

Now, what has been the consequence? The answer is waste and extravagance. There has been a loss on sales of condemned clothing in the last ten years, of \$272,000; and there has been a loss by the reduction in the price of clothing on hand which had to be reduced in order to adjust it to prices ruling in a falling market of \$438,000.

In other words, this Government has lost in this bureau from these two causes in ten years, \$710,000, and this does not account for the losses on clothing now on shipboard. And the losses do not stop here. We found on investigation that we had 6,069 pea-jackets on hand, which originally cost about \$15 apiece, the present price being \$11.50. We have 6,217 monkey-jackets on hand, valued now at \$9.50 a piece.

We called for a list of the different articles on hand and the sales of each during the last fiscal year, and found that the number of pea-jackets taken by the sailors in 1885 amounted to six hundred and ninety-six. If these pea-jackets could last so long and not rot, and the sales should continue at the rate of ninety-six per annum, the Chief of the Bureau of Clothing might go to sleep and sleep as long as Rip Van Winkle, yes, as long as old Epimenides, his prototype, that is fifty-seven years, and wake up and find after his nap was finished that he still had a year's supply of pea-jackets on hand. But the truth is that these pea-jackets have become so worthless that the sailors refuse to take them. When the Secretary orders, as he will, a sale to clear out the worthless goods on hand the Government will pocket another loss of more than \$100,000. We have on hand five and one-half years' supply of monkey-jackets; four and one-half years' supply of blue cloth trousers; three and one-half years' supply of satinets; twelve years' supply of canvas duck; four and one-half years' supply of caps; twenty years' supply of mattress covers; twenty years' supply of boots.

Now, the committee believe that this state of things ought not to be permitted to continue; so we propose to utilize in other ways a portion of the clothing fund (as the chief of the bureau admits we can do); and we take \$250,000 from the clothing fund and transfer it to the appropriation for provisions in the same bureau. Then we come to "small stores" in this same bureau. The books show that in stores and money the bureau has on hand a six years' supply. These small stores consist of pipes, tobacco, needles, thread, and things of that character.

Mr. WARNER, of Ohio. When were all these things purchased?

Mr. HERBERT. Many of them were purchased ten or twelve years ago, but some of them only a few years back. In the small stores account we find that Paymaster Smith at one time two or three years ago purchased over five thousand ditty-boxes. It was supposed that the sailors would want them to hold their needles and tobacco and pipes and such things, and he laid in a liberal supply, five thousand, at \$2.50 apiece, making \$12,500. Few or none of them were ever sold, and they are still on hand.

Mr. WARNER, of Ohio. Is the man who purchased them still on hand?

Mr. HERBERT. I think he has been court-martialed and suspended. We take \$250,000 from "clothing" and \$75,000 from "small stores," and still leave enough on hand for clothing and small stores.

We come next to the Bureau of Construction and Repair. For this bureau we appropriate very nearly the same amount as for the present fiscal year. It is true that a much larger sum was asked, but in the opinion of the committee the Government ought not to go on expending money on rotten wooden ships. As I said before, the old navy is passing away. We should expend only enough money to take care of it in decent order until we can take steps, as in my opinion we should, to build a new navy.

I will not stop now to read the figures, but I will say that the expenditures made in recent years for the repair of the Mohican, the Omaha, and the Mobergan can not be justified.

In the Naval Academy appropriation we have made an increase here and there, and have cut down here and there.

The additions and subtractions are very inconsiderable, and there is, perhaps, nothing in that portion of the bill that would justify me in dwelling upon it.

The last appropriation in the bill is for the Marine Corps. In this we have reduced the amount given for clothing. Here the clothing is dealt out to the marines as part of their pay, as it is in the Army; and so there is an annual appropriation for the purpose of paying the expense of clothing the marines. On examining the question, we thought it proper to cut down the appropriation for clothing from \$77,000 to \$50,000. Taking into consideration the cost of this clothing, some \$33 for each man and boy, and taking into consideration also the number of men and boys in the service, we reached the conclusion that the appropriation proposed in the bill added to the stock of clothing now on hand will give about two years' supply in money and clothing, and this we deemed sufficient. We have also cut down all along in these civil establishments.

I have now gone through this bill. I have occupied more time than I had expected; but that time is not wasted if I have succeeded in enabling any portion of the House to understand clearly the figures in the bill as we understand them. I trust that the Committee of the Whole will agree with the Committee on Naval Affairs that this bill

ought to be passed substantially as it is. But as a matter of course the bill is here for consideration, and the Committee of the Whole will deal with it as in its discretion it may deem proper. Our work is before you. All I can say in conclusion is that we have labored upon this bill diligently; and we have sought faithfully on the one hand to provide for the necessities of the Navy, and on the other to do the fullest measure of justice to the Government.

Allow me one word further in answer to an inquiry which has been made. I have been asked whether we have provided in this bill for any new ships. Gentlemen who have heard my remarks know that I have stated we have not. It would not have been in order for us to do so. We could not on this bill provide for anything new. All that must come in a separate bill.

Mr. GOFF. In this connection, will the chairman of the committee state why it is that no appropriation is made in this bill for the completion of the monitors? That would have been practicable here.

Mr. HERBERT. We have put that on the bill for the new navy.

Mr. GOFF. I know you have; but I asked why was not an appropriation made in this bill (where it would have been eminently practicable) for the completion of these vessels.

Mr. HERBERT. I might ask why my colleague on the committee did not insist on that course in the committee, but that would not be a proper question. I will say that the appropriation for the completion of the monitors would be in the nature of new work, and that it was thought proper to put everything of that kind into one bill, as we have done—a bill which is before the House. One reason which influenced me in this matter—and I think it had weight with other gentlemen—was that if we should make a partial appropriation in this bill, if we should appropriate something here toward the increase of the Navy, that might be used as an argument why we should never get at the other bill, why we should never do anything substantial.

I would leave that bill to stand as a bill for the increase of the Navy, containing everything for that purpose; and when we shall have passed it, as I believe we will, we shall have accomplished something we can remember with pride. I believe all the true friends of the Navy will act with us in the effort to reach that bill on which we propose to provide for new armored vessels and new cruisers—to take the initiative in the construction of a new navy.

Mr. GOFF. As the gentleman was explaining in detail the full features of this bill, and giving the reasons why the committee had reported such a bill, I thought it proper he should call the attention of the House to that omission—not that I was not aware of the action of the committee and the motive which influenced some members of it in reaching that conclusion.

Mr. HERBERT. The reasons are as I have stated; and I am obliged to the gentleman for calling my attention to the point.

Mr. BUCK. Mr. Chairman, I do not propose to follow through the various items which have been alluded to and explained by the chairman of the Committee on Naval Affairs [Mr. HERBERT]. I will only say, in a general way, that I approve of the general features of the bill, and think it a measure in the interest of economy and the well-ordering of the Navy Department. I wish to call attention to one or two points on which I have been obliged to disagree with the majority of the committee. One of those is in regard to the naval war college at Coasters', Harbor Island, near Newport, R. I. This may be considered a small matter and unworthy the attention of the committee, but I think we make a serious mistake if we fail to appropriate for the maintenance of that college. It was established by an order of Secretary Chandler in October, 1884, for the purpose of instructing officers of the Navy in the higher branches of study connected with the naval service and which are necessary to be understood by all officers who are to serve in the Navy. I will only cite a few paragraphs in the report made to Secretary Chandler by Rear-Admiral Luce, of the Navy, touching the reasons for the establishment and maintenance of this college. He says:

It is found that numbers of young officers after a little experience at sea take up of their own accord those studies for which they have developed a taste; it may be ordnance, astronomy, electricity, steam, history, international law, or the languages. There are others who, possessed of undoubted ability, do not exert themselves in the direction of self-improvement for want of proper facilities, or, perhaps, of an incentive—men who could take a high stand in almost any branch were the opportunity offered or the motive power applied.

For years past the Bureau of Ordnance has recognized the existence in the service of a large amount of talent that could be utilized for its own special purposes, and it has always encouraged officers to qualify themselves in that particular line. It now finds its reward in a body of capable and efficient assistants.

The present admirable post-graduate course at the torpedo station is due solely to the enlightened policy of that bureau.

In the establishment of the proposed school the Navy Department would be doing for all professional branches what the Bureau of Ordnance has been long doing to supply its own particular needs. It would, moreover, consolidate the instruction in each into a well-organized and homogeneous system.

A more extended course in mechanics, gun construction, &c., is necessitated by the very great advances that are being constantly made in ordnance; while recent hydrographic work, the exact determination of latitudes and longitudes, in the many cases where this still remains to be effected, the addition of iron ships to the Navy, involving the necessity of precise evolution of their magnetic constants, &c., show how imperative is the demand for higher instruction in surveying, nautical astronomy, and practical physics.

Now the gentleman from Alabama [Mr. HERBERT], chairman of the

Committee on Naval Affairs, cited with approbation Rear-Admiral Luce on another matter. It seems to me if Rear-Admiral Luce is such good authority on another matter he may be considered as good authority in this matter. I know there may be a bit of sentiment about this naval war college. I have the greatest regard for the opinion of my colleagues on the Committee on Naval Affairs, but it did seem to me, Mr. Chairman, that they failed properly to appreciate the importance of a naval school of a higher grade, as this is. I think whatever may have been their motives, and they were good ones I know, they were founded on a misjudgment of what the real object is and what the results of this naval war college have been.

It has only been established a short time. It is a young institution, but the reports of the officers in charge of that naval war college show a commendable degree of progress there.

The appropriation asked for this year was \$14,000. Last year we appropriated only \$8,000.

It was suggested by the distinguished gentleman from Alabama [Mr. HERBERT] that it would be as well if we removed it to Annapolis. Then why not put some clause in the bill removing it to Annapolis if gentlemen wish to have it there?

But, sir, I will make this suggestion in regard to the proposition of removal: That it would be equally appropriate to remove Harvard College or Yale College to the vicinity of the high school of Washington, Saint Louis, or Chicago, or near some preparatory school, so as to have both the higher and lower branches taught at the same place. I think this school could be located at Annapolis, where the academy is; but it seems to me that to mix up the post-graduates with an undergraduate system is altogether at war with the system of education which has been maintained in this country for a number of years and sanctioned by the very best instructors and scholars that we have.

I regret, therefore, that no appropriation has been put into this bill for the maintenance of that naval war college, and I give notice at the proper time, if nobody else does it, I will move an amendment making provision for it.

Mr. SAYERS. Is there any authority other than the order of Secretary Chandler for the establishment of that naval war college?

Mr. BUCK. I am not aware of a statutory provision for it, but it has been recognized and provided for in appropriation bills since 1884, and it was appropriated for in the bill for last year, appropriating \$8,000, and that has been held as sufficient authority for the maintenance of this college. But I will not detain the committee longer in reference to that item.

I should prefer, of course, that this college should be located at New London, where there are public buildings and where the officers could be accommodated; but I do not wish to do anything which will result in blotting out what I think is a very promising institution.

Now, as to changes in the items in the bill. The gentleman from Alabama [Mr. HERBERT] has made a clear and elaborately prepared statement of this bill. He understands these various items, for he has given the most careful attention to every one of them. He has alluded to some of the reasons why they have cut down amounts in the bill from last year. It will be found on examination that these differences consist of two classes—one of deductions growing out of the discovery of amounts in the various Departments which go to the account of surplus, and the other of items which have been authorized by law and have been appropriated for in former years and have been estimated for this year, but have been taken out of this bill, where they could have been placed, and put into the new-ship bill; and the gentleman from Alabama ingeniously and happily said they would help to pass that bill.

I wish to call the attention of the committee to the way the difference between this bill and the bill of last year is made up, and to show that so far from there being a less amount appropriated in this bill than in the bill of last year there is really more, if we take into consideration the recommendations of the new ship bill.

In the first place the bill appropriates \$11,849,858.70. Last year, that is, for the current year, it was \$15,029,704.95. That makes a decrease of \$3,179,846.25. In round numbers it is three millions of decrease from the appropriation of last year.

How is that account made up? Why, in this way: In the first place in the bill of 1885, that is to say, in the act of March 3, of that year, provision was made for the construction of two cruisers and two gunboats at a cost of \$1,895,000. That money has not been used. It is conceded in the report which goes with this bill that in comparing the present bill with that which preceded it this sum should be deducted from the latter. It should therefore be taken into the account in making up the difference between the present bill and the appropriation for the current fiscal year.

That, the gentleman from Alabama says, should be so counted, and he has so stated in his report. But there are other items that come in; there is the item for the "Pay of the Navy," which amounts to \$576,380.24. Now, in the course of the investigation which the committee made they found that under the head of "Pay of the Navy," there would be at the end of the fiscal year 1886 this sum of \$576,380.24 for which no use could be found; that is to say, that after all of the bills had been paid which were authorized by law there would still

remain this fund for which no use is provided under the law, and we thought proper, therefore, to deduct that from the estimates of the Department.

I think the gentleman from Alabama, therefore, was probably correct in the position he took that this pay fund of the Navy, being surplus money, should be used, provided we could not reasonably anticipate an emergency in the next year for which it might be used. I can not anticipate any, and hope that none will arise.

I do not believe there will be any, unless the gentleman from Maine succeeds in stirring up the House to such a pitch of excitement that we shall send all of the Navy we have now into Canadian waters to protect the schooners and fishing vessels like the David J. Adams and others which have been seized by the Canadian authorities. The money is lying in the Treasury subject to order whenever it can be used under existing law; and if we fail to make any appropriation for these estimates that have been made running to that extent, then the Department must take that sum of \$576,000 and upward and use it. So that by omitting in our bill to appropriate for expenses that are authorized by law we oblige those in charge of this Department to use this money.

In other words, we do precisely the same thing as if we appropriated the money and still allowed them to have the surplus remaining of \$576,380.24. That is all there is of it, so that this sum should be counted in. We are really taking and using it. It goes to make the sum total of the bill. We have held it as trustees, you may say, for the public up to this time; but now we propose to use it, so that in effect we are appropriating that sum of money to be used in the next fiscal year instead of allowing it to remain as a surplus fund in the Department.

The same also may be said, Mr. Chairman, of the surplus fund arising from the pay of the Marine Corps, and that, the gentleman from Alabama has said, was \$200,000. I believe he is in error in that respect, since the exact amount is \$217,964.94.

Mr. HERBERT. Yes, it is; but we only utilized \$200,000 of it.

Mr. BUCK. Yes; I was about to state that \$200,000 of it will be used; but still the actual amount is as I have stated, and I will show the gentleman presently the reason why I call attention to this. In the clothing account there is also a fund amounting to some \$250,000, and in the "small-stores account" there is a fund of \$75,000. Now, that completes the list of items which, I submit, should go into the appropriation bill of this year and be added as a part of the sum total of the bill. They belong to it, because although they are items which grow out of a surplus in years past, and which have been discovered upon an examination, still they form a part of the fund which is in effect appropriated by this bill.

Mr. HERBERT. I know my colleague desires to be correct; and, if he will permit me, I will call his attention to this point—

Mr. BUCK. Certainly.

Mr. HERBERT. I think he is in error in one respect. I admit that all of these items have been incorporated in this bill and that money is to be used for this year. But when you take \$576,380.24 from the pay of the Navy, \$200,000 from the pay of the Marine Corps, \$250,000 from the clothing account, and \$75,000 from the small-stores, and add that to the \$1,895,000, and then add the total to the amount of the bill, it still falls \$200,000 short of the bill of last year.

Mr. BUCK. That is true; but the gentleman will remember that I have only called attention to one class of the items I proposed to add. I have not yet concluded my statement, and the gentleman will see when I get through the relation it has to the point I am now discussing.

I have already stated that there were two classes of accounts to be added to the bill. After I had closed my remarks on the first class the gentleman from Alabama interrupted me and stated it was not sufficient to make up the total of this bill to a sum equal to that of the bill of last year. Although conceding my position as to these surplus items to be correct, he makes that suggestion. Now I am only through with one-half of my remarks, and the gentleman will see in a moment the point I wish to make.

In the present year the Department of Yards and Docks asked an appropriation providing for the general maintenance of yards and docks of \$300,000. That is the estimate for this year. Last year they used \$200,000—

Mr. HERBERT. My colleague does not mean, I suppose, to be understood as saying—

Mr. BUCK. They appropriated it.

Mr. HERBERT. But is it not true that they took some \$60,000 and used it for the payment of the civil establishment?

Mr. BUCK. But the appropriation for the current year for the maintenance of yards and docks was \$200,000.

Mr. HERBERT. Yes, that was the appropriation; but we are giving now a great deal more for yards and docks, some \$50,000 or \$60,000, and yet the bill will be \$200,000 less, counting all these items you mention.

Mr. BUCK. I know the fact which the gentleman states, but I am going to add other items and show that you will overrun the bill of last year.

I was about to say that instead of giving to the Bureau of Yards and Docks \$300,000, as they called for in the estimates, we have given them

\$190,000 for the maintenance of yards and docks; that is, to keep the yards and docks in proper repair and to keep the plant in shape. We give them in the new ship bill \$250,000 for the same purpose.

Mr. SAYERS. That bill has not passed yet.

Mr. HERBERT. We will admit all that.

Mr. BUCK. The chairman of the committee, the gentleman from Alabama [Mr. HERBERT], has said to the committee he expects that new ship bill will pass. He knows as well as I do that I shake hands with him on that and hope it will become a law. But what I am getting at now is to show that the gentleman from Alabama has taken money when called for by the Bureau of Yards and Docks and has not appropriated it in the appropriation bill, where it could have been put, but has put it in the new-ship bill. And I do not propose he shall make use of that as being in the line of economy except for what it is worth. I think the money should be used for the maintenance of those yards, but I want to show to the committee exactly the difference between this bill and the bill of last year, not that I am finding any fault with it.

But, as I have already said, we give \$190,000 in this bill and \$250,000 in the new-ship bill for yards and docks. The gentleman from Alabama will remember also the estimate sent in for the improvement of the plant in the Washington navy-yard, amounting to \$38,894. They are doing some very excellent work there in the line of constructing heavy ordnance. Now, this appropriation for yards and docks has been divided and a part of it put in the appropriation bill and a part of it in the ship bill, but we must count it wherever it is.

Mr. SAYERS. Will the gentleman allow me to interrupt him?

Mr. BUCK. Yes, sir.

Mr. SAYERS. No part of those submitted items are in this bill.

Mr. BUCK. What submitted items?

Mr. SAYERS. The item for the improvement of equipment plant at the Washington navy-yard is not here. None of those items occur in this bill.

Mr. BUCK. The gentleman will find in the Book of Estimates an estimate for equipment plant at the Washington navy-yard, \$38,894.

Mr. SAYERS. Not a dollar of which is appropriated in this bill.

Mr. BUCK. And then under the general head of maintenance of yards and docks there is an appropriation of \$190,000. The law is so worded that the \$250,000 appropriated in the ship bill can be used for it; that is to say, for the same purpose.

Then, again, I wish to speak of the provision in the new-ship bill for the manufacture of torpedoes. I am unable to recall the language of the statute as authorizing the making of any torpedoes, if there is any. But I think there is authority for it in a former appropriation bill, if nowhere else. I will not state it on my own authority, because I do not recall the language of the statute or the time it was passed, but I judge they have been authorized by law, because these torpedoes have been frequently estimated for, and once or twice have been provided for in appropriation bills.

I wish to say that the Government of the United States does not own a single automobile torpedo at the present time, as I understand it. For torpedoes there was an estimate made in the Book of Estimates, which we had before us. The estimate was \$250,000. We do not appropriate a cent for torpedoes in this bill; but we do appropriate in the new ship bill \$125,000 to carry out and conform to that estimate for torpedoes. Then again we appropriate in addition to that a large sum for the armament of vessels—

Mr. SAYERS. Will the gentleman allow me to interrupt him again?

Mr. BUCK. Certainly.

Mr. SAYERS. The gentleman says there is an appropriation for the torpedo corps in the new ship bill of \$220,000.

Mr. BUCK. Not in the new ship bill. The sum for torpedoes in that bill is \$125,000. It is for the manufacture or purchase of torpedoes.

Mr. SAYERS. And that we make no appropriation for that in this appropriation bill. This estimate of \$250,500 embraces also estimates of \$65,000, of \$7,000, and of \$2,500 for labor, material, &c., for torpedoes, of which there is appropriated in this bill \$50,500.

Mr. BUCK. The gentleman's figures differ from mine. The sum I find on page 113 of the Estimates is \$250,000. However that may be, you have appropriated \$125,000 for this purpose in the new-ship bill. The figures of the gentleman from Texas include ordnance as well as torpedoes. I say we have appropriated \$125,000 in the new-ship bill for torpedoes. It must be based on that estimate, if it is based on anything, mixed in with other ordnance and other things as it is.

The gentleman reminds me there is an appropriation for torpedoes here. I wish to show that there is still remaining \$125,000 that goes into the new-ship bill for torpedoes, but which should be counted against the Naval Affairs Committee when they say they are appropriating a less amount than last year. I approve of the appropriation most cordially and heartily, but I want to show the exact condition of things.

Mr. HERBERT. If the gentleman will permit me I would remark that I have never said we propose to appropriate less than was appropriated last year, taking the two bills together; nothing of the kind. Suppose we do appropriate more. I think we ought to appropriate more. We are in favor of increasing the Navy.

Mr. BUCK. The explanation of the gentleman from Alabama is to the point. I do not criticize him in the position he took. I am only stating what I thought he omitted to state; that is all.

We come now to the next and last item that I shall allude to, and that is the item of \$1,000,000 which is put into the new-ship bill. Now, where does that properly belong? What is it for? In the first place, it is for the armament for vessels under the act of March 3, 1885—the two cruisers and the two gunboats.

Mr. HERBERT. It is for that only in part.

Mr. BUCK. That is an item that is authorized by law and is in the estimate book, but, whether it was in the estimate book or not, we could have appropriated for it, because a law existed which called for the appropriation. However, instead of appropriating for it in the appropriation bill, we have seen fit to put it into the new-ship bill. That is all right, and I hope it will pass; but it is there and must be counted. To provide the armament for these vessels will take a part of the million dollars.

There is another item which the \$1,000,000 applies to—that is, the armament of the ships that are provided for in the new-ship bill. The Department is to go to that \$1,000,000 to get funds for the armament for these new ships; also for the armament of the unfinished monitors and for the Miantonomoh. Every one of these items is authorized by law and can be appropriated for if we see fit, with the exception of the items providing for the ten ships in the new-ship bill. They were authorized by law, and we could have put them into the appropriation bill, but we saw fit not to do so, but to put them into the new-ship bill.

Mr. HAYDEN. And they would have been put into the appropriation bill if it had not been for the new-ship bill.

Mr. BUCK. Certainly, they could have been put into this appropriation bill, but they have been put into the ship bill, and if that will have the effect predicted by the gentleman from Alabama [Mr. HERBERT] of forcing the passage of that bill, I shall be very glad that they are there. Still, they should be counted in making up this general deduction from last year.

Now, adding these three sums together, they make \$1,375,000, which should be added to the items that I have already described. But we must remember that one of the items has not yet been authorized by law, so that we could not have appropriated for it if we would; that is, the armament of the ships in the new bill, so I take out one-half of the amount (\$1,000,000) appropriated for that purpose in the new-ship bill. I assume that the Secretary of the Navy will favor the building of new ships, and will take one-half of it to put into the vessels that are authorized by the new-ship bill, and will apply the rest of it to the ships that are authorized by the act of March 3, 1885, and to the monitors and the Miantonomoh. Therefore, I think the gentleman from Alabama will agree with me that it is at least fair to take out \$500,000 from this \$1,000,000 provided for armament.

Now, by deducting \$500,000 from \$1,375,000, which is the amount appropriated for yards and docks, torpedoes and general armament, added together, the amount left to be added to the items of pay of the Navy and the other surplus account is \$875,000. That, added to the other items that I have described (I will not go through them again in detail), including \$1,895,000 in the act of March 3, 1885, amounting to \$2,996,300.24, will make the sum of \$3,871,300.24 which I think ought to be added to the bill of this year, and then we can draw a proper comparison between the present appropriation bill and the bill of last year. That is the amount, after I have deducted \$500,000 of the \$1,000,000 appropriated in the new-ship bill for general armament.

Mr. HERBERT. You think you ought to take \$3,871,300.24 out of the new-ship bill and put it in against \$1,800,000, in order to make this bill larger than that?

Mr. BUCK. The gentleman from Alabama knows how much I am in favor of the new-ship bill, and when he suggests that I would take away any part of it in order to injure it he makes the suggestion facetiously, not in earnest.

Mr. HERBERT. The gentleman misunderstood me.

Mr. BUCK. So, Mr. Chairman, I say that we should add the sum of \$3,871,300.24 to the amount carried by this bill, which makes it \$15,721,158.94, and then there will be an increase over the appropriation bill of last year of \$691,453.99, provided we add these items which were estimated for, and which would undoubtedly have been put into this bill if they had not been put into the other, and which we have considered as carefully and discriminately as any other items in the bill.

When I started out on this comparison between the bill of last year and the bill of this year I little anticipated that my friends would interpose so many suggestions, but I have yet to hear from any gentleman a suggestion that the position I have assumed in regard to these items is not entirely correct, namely, that they should be counted as against the Committee on Naval Affairs—not that I think they are wrong; I shall vote for them most cheerfully; but while I want the gentlemen who represent the majority on this floor to gather up all the crumbs of political comfort they possibly can, I am not willing that they should secure this little item and call it economy merely because it is not put into the appropriation bill but is put into another bill.

The committee will bear me out on this, that I have not touched at all upon that tender, nervous, irritable subject, the five monitors. If we had touched upon that, I do not know how it might have affected this discussion. There are differences on that matter wide and vast. The gentleman from Texas [Mr. SAYERS], my colleague on the committee, who is now looking at me smilingly, would differ, I suppose, entirely from myself about the history of those vessels, the propriety of finishing them, and what they would be good for after being finished. But I say nothing on that subject. I confine myself to these particular items, and say that each one of them could have been appropriated for in the appropriation bill.

In regard to the pay of the Navy, it has been suggested to me by a gentleman who is high authority on this matter that as to the \$576,380.24 surplus, it will be necessary in order to make it available that it be reappropriated. I am inclined to think this position is correct. It seems to me on principle it ought to be so.

Mr. HERBERT. I think so myself, under the present decisions.

Mr. HISCOCK. As the gentleman from Connecticut [Mr. BUCK] has referred, I suppose, to a remark of mine, I desire to say, although I do not claim to be very high authority on this subject, that in my opinion every annual appropriation bill carries appropriations for that fiscal year only, not for any other; and therefore if there is a surplus appropriated on any item, that surplus can not be used in the next fiscal year without a reappropriation. But I trust there will be nothing in the form of a reappropriation. I believe every surplus thus arising should be covered into the Treasury, and whatever money may be required for another year should be provided in a new appropriation. If there ever was a vicious practice, it is the practice of reappropriating unexpended balances of previous appropriations.

Mr. BUCK. I think the suggestions of the gentleman from New York [Mr. HISCOCK] are certainly in the proper line; and the chairman of the committee [Mr. HERBERT] seems to concede that there should be a provision for reappropriating or for making a new appropriation.

Mr. HISCOCK. I hope we shall never reappropriate an unexpended balance. Every surplus appropriation of this kind should be allowed to lapse into the Treasury. The practice of reappropriating is objectionable and vicious, because it seems like trying to steal from one year's fund for the benefit of another, and thus improperly to get credit for apparent economy. Under such a system the people do not know how much money we are actually appropriating from time to time.

Mr. BUCK. Whatever may have been the practice or whatever may now be the law, it was the understanding of the committee that this surplus of \$576,380.24 could be used without any reappropriation, and that the appropriations in the bill could be reduced by that amount. But notwithstanding these suggestions, it seems to me the position is sound that, if we allow that surplus of \$576,380.24 to stand without reappropriation, we permit that surplus to be returned into the Treasury, and must appropriate a corresponding amount in the bill or else make an insufficient provision for the service. Hence I submit I am correct in my conclusion that we have this year recommended appropriations larger than those of last year.

Not wishing to occupy further time, I yield to the gentleman from Iowa [Mr. HEPBURN] the residue of my hour.

Mr. HEPBURN addressed the committee. [See Appendix.]

The CHAIRMAN. The committee will rise, as it is near 5 o'clock, when the House adjourns under the special order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the naval appropriation bill, and had come to no resolution thereon.

Mr. O'NEILL, of Missouri. I ask by unanimous consent there be an evening session to consider reports of the Committee on Labor.

Mr. KING. There are very few members present.

Mr. BURROWS. I shall object unless the hour is fixed for closing the evening session.

Mr. O'NEILL, of Missouri. I am willing to have it close at 10 o'clock.

Mr. BURROWS. With that understanding I withdraw objection.

Mr. PETERS. I demand the regular order.

The hour of 5 p. m. having arrived, the House adjourned.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLOUNT: Papers relating to the claim of Winford H. Bailey, of Wilkinson County, Georgia—to the Committee on War Claims.

Also, petition of Winford H. Bailey, of Wilkinson County, Georgia, asking that his case be referred to the Court of Claims—to the same committee.

By Mr. T. M. BROWNE: Petition of 477 citizens of Delaware County, Indiana, for the passage of Senate bill 1886, on pensions—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of D. W. Knight, of Cheatham County,

Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. COX: Papers relating to the claim of Drury Partin, of Wake County, North Carolina—to the same committee.

By Mr. CUTCHEON: Petition of Albert Fensch, hospital steward, for increase of compensation—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Petition of Albert Fensch and others, and of Frank Criss and others, hospital stewards, United States Army, asking for the passage of Senate bill 1119—to the same committee.

By Mr. FULLER: Petition of Charles City Post, No. 3, Grand Army of the Republic, of Floyd County, Iowa, asking for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of J. W. Dickson and 64 others, citizens of Chickasaw County, Iowa, for the same—to the same committee.

By Mr. GAY: Papers in the claim of Clariece Hewitt, widow of James Hewitt, deceased, of Orleans Parish, Louisiana—to the Committee on War Claims.

By Mr. GIBSON: Papers relating to the claim of Moses Baylor, of Jefferson County, West Virginia—to the same committee.

By Mr. HEWITT: Papers relating to the claim of Seman, Bache & Co.—to the Committee on Claims.

By Mr. LOVERING: Resolutions of the Commonwealth of Massachusetts, asking for such legislation as shall protect the fishery industry of this country in the exercise of its lawful rights—to the Committee on Foreign Affairs.

By Mr. MORGAN: Petition of N. L. Archey and other colored people, asking for an appropriation to aid them to emigrate to Liberia—to the Committee on Appropriations.

By Mr. PETERS: Petition of Harper Post, Grand Army of the Republic, of Harper, Kans., favoring the passage of Senate bill 1886—to the Committee on Invalid Pensions.

Also, petition of the Travelers' Protective Association of Kansas, opposing the tax on commercial salesmen in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SMALLS: Papers relating to the claim of Edward H. Alston, of Georgetown County, and of Martha Knowles, of Beaufort County, South Carolina—to the Committee on War Claims.

By Mr. STAHLNECKER: Resolutions of the commercial associations of New York, in reference to New York Harbor—to the Committee on Rivers and Harbors.

By Mr. SWOPE: Petition of 106 citizens of West Fairview, Cumberland County, Pennsylvania, praying for the passage of Senate bill 1886, for the relief of disabled soldiers—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Memorial of Post 141, Grand Army of the Republic, of Cleveland, Ohio, in favor of certain additional legislation—to the same committee.

By Mr. VAN EATON: Papers relating to the claim of Mrs. Mary A. Butler, of Le Flore County, Mississippi—to the Committee on War Claims.

By Mr. A. J. WARNER: Petition of James Rutter and 110 others, of Athens County, Ohio, for the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. WILSON: Papers relating to the claim of Thomas Brown, of Jefferson County, West Virginia—to the Committee on War Claims.

Also, petition of A. R. Brown, son of Thomas Brown, deceased, of Charlestown, W. Va., asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. WISE: Petition of A. L. Fisher, administrator of John Fisher, of Henico County, Virginia, for payment of his claim—to the same committee.

#### SENATE.

FRIDAY, June 18, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.  
The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. ALLISON. As the Journal is a matter of considerable detail, I think it is hardly necessary to read it through. I move that the further reading of the Journal be dispensed with.

The PRESIDENT *pro tempore*. If there be no objection the further reading of the Journal will be dispensed with, and it will stand approved.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed, and to be printed in the RECORD; as follows:

TREASURY DEPARTMENT, June 17, 1886.

SIR: I have the honor to acknowledge the receipt of Senate resolution of the 20th ultimo, "that the Secretary of the Treasury be directed to inform the Senate what buildings are rented in the city of Washington for the use of the United States and the annual rent of each," and in reply thereto transmit the desired information in the following table.